



**Barg Coffin Lewis & Trapp, LLP**  
600 Montgomery Street, Suite 525  
San Francisco, CA 94111  
[www.bargcoffin.com](http://www.bargcoffin.com)

May 18, 2018

***By Email and  
First Class U.S. Mail***

U.S. Environmental Protection Agency  
Region 8  
Attn: Mike Rudy (8ENF-RC)  
1595 Wynkoop Street  
Denver, CO 80202-1129

**Re: Illinois Gulch Site, Southeast of Breckenridge, Summit County, Colorado,  
Superfund #A8-88;  
U.S. Environmental Protection Agency Information Request Pursuant to Section  
104(e) of the Comprehensive Environmental Response, Compensation, and Liability  
Act ("CERCLA"), 42 U.S.C. § 9604(e)**

Dear Mr. Rudy:

BNSF Railway Company ("BNSF") received the U.S. Environmental Protection Agency's ("EPA") Request for Information, issued pursuant to Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), with regard to the Illinois Gulch Superfund Site ("Site"), on March 5, 2018 ("Information Request"). In response to BNSF's request for additional time to respond, EPA attorney Douglas Naftz agreed to extend the deadline for a response until May 18, 2018. Enclosed with this letter is BNSF's response to the Information Request. This letter is intended to address several legal and administrative matters in relation to EPA's request.

Much of the information requested by EPA involves events that occurred many decades ago. Based upon a search of its historical records, BNSF is unable to locate responsive information regarding the Colorado and Southern Railway Company's operations, and those of any relevant corporate predecessors to BNSF, in the vicinity of the Site.

BNSF's response to the Information Request is based on a good faith effort to identify information and documents responsive to the request, and is based on information known to or reasonably identifiable to BNSF as of the date of this response. BNSF objects to EPA's request, set forth in Instruction 3 of Enclosure 2, imposing a continuing obligation to provide additional responsive information in perpetuity. This requirement exceeds the scope of EPA's statutory authority under Section 104(e) of CERCLA. If EPA, however, determines that additional information is necessary to support its investigation of the Site, BNSF is prepared to cooperate in response to additional 104(e) requests issued consistent with CERCLA.

BNSF also objects to the Requests to the extent they seek to require the production of information beyond the scope permitted by 42 U.S.C. § 9604(e). Under section 9604(e), the government may only request information relating to (1) the identification, nature and quantity of materials which have been or are generated, treated, stored, or disposed of at the facility, or transported to a facility; (2) the nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at or from a facility; or (3) the ability to pay for or perform a cleanup. *See* 42 U.S.C. § 9404(e)(2). BNSF objects to all questions which require BNSF to “identify” and “describe” the documents that may be responsive; the documents BNSF is producing speak for themselves. BNSF objects to the Requests on the grounds that they are vague and ambiguous. BNSF objects to the Requests on the grounds that they are overbroad and unduly burdensome. BNSF objects to the Requests to the extent they call for legal conclusions.

BNSF is not making a claim of confidential business information with respect to any of the material being submitted with its response today. Through its response, however, BNSF does not waive or intend to waive any privilege or confidentiality that may otherwise apply. Although BNSF has not withheld any documents in response to EPA’s request, BNSF does not waive the attorney-client privilege, attorney work product doctrine, or any other privilege or doctrine by responding to this request. BNSF reserves the right to amend or supplement the information included in its response based on additional information or documents that it may identify in the future.

In responding to this Information Request, BNSF does not admit to any liability or responsibility in connection with any hazardous substances found at the Site. BNSF’s production of documents does not constitute an admission by BNSF that the contents of the documents provided are true, correct, or accurate, nor does it constitute an admission that the documents are authentic for the purposes of admissibility in any judicial or administrative proceeding. BNSF denies that it has any liability relating to any releases or threatened releases at the Site.

Future correspondence in connection with this matter should be directed to:

Marisa Blackshire, Esq.  
BNSF Railway Company  
3770 East 26th Street  
Los Angeles, CA 90058  
Telephone: (323) 267-4103  
Email: Marisa.Blackshire@bnsf.com

John Barg, Esq.  
David Metres, Esq.  
Barg Coffin Lewis & Trapp  
600 Montgomery Street, Suite 525  
San Francisco, CA 94111  
Telephone: 415-228-5400  
Email: jbarg@bargcoffin.com  
dmetres@bargcoffin.com



Mike Rudy  
May 18, 2018  
Page 3

If you have any questions with regard to this letter or the response to the Information Request, please contact me at 415-228-5440.

Thank you for your courtesy and cooperation.

Very truly yours,

  
JOHN F. BARG

JFB/jf

**BNSF RESPONSE TO U.S. ENVIRONMENTAL PROTECTION AGENCY 104(e)  
INFORMATION REQUEST**

- 1. Identify the person(s) answering these questions by providing their name, address and telephone number.**

Mike Makerov, Manager Environmental Remediation  
BNSF Railway Company  
740 E. Carnegie Drive  
San Bernardino, CA 92408  
(909) 386-4081

- 2. Identify the person(s) whom you wish to receive all further communications from the EPA related to the Site.**

Mike Makerov, Manager Environmental Remediation  
BNSF Railway Company  
740 E. Carnegie Drive  
San Bernardino, CA 92408  
(909) 386-4081

Marisa Blackshire, Senior General Attorney  
BNSF Railway Company  
3770 East 26th Street  
Los Angeles, CA 90058  
(323) 267-4103

Tish Lechon, Paralegal  
BNSF Railway Company  
2500 Lou Menk Drive, AOB-3  
Fort Worth, TX 76131  
(817) 352-2393

BNSF's Outside Counsel  
John F. Barg, Esq.  
David M. Metres, Esq.  
Barg Coffin Lewis & Trapp  
600 Montgomery Street, Suite 525  
San Francisco, CA 94111  
(415) 228-5400

- 3. For each and every question contained herein, identify all persons consulted in the preparation of the answer.**

The following people prepared, worked on, and/or were consulted during the preparation of this response:

Marisa Blackshire, Senior General Attorney  
BNSF Railway Company  
3770 East 26th Street  
Los Angeles, CA 90058  
(323) 267-4103

Charles Thomas, Director Environmental Remediation  
BNSF Railway Company  
2500 Lou Menk Drive, AOB-3  
Fort Worth, TX 76131  
(817) 352-1188

Yueh Chuang, Manager Environmental Remediation  
BNSF Railway Company  
800 N. Last Chance Gulch  
Helena, MT 59601  
(406) 256-4040

Mark Engdahl, Manager Environmental Remediation  
BNSF Railway Company  
800 N. Last Chance Gulch  
Helena, MT 59601  
(406) 256-4048

Tish Lechon, Paralegal  
BNSF Railway Company  
2500 Lou Menk Drive, AOB-3  
Fort Worth, TX 76131  
(817) 352-2393

Sandra Green, Assistant Manager Real Estate  
BNSF Railway Company  
2301 Lou Menk Drive, GOB-3  
Fort Worth, TX 76131  
(817) 352-3447

James Obermiller, Director of Corporate Support and Compliance  
BNSF Railway Company  
2400 Western Center Blvd.  
Fort Worth, TX 76131  
(817) 352-1030

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BNSF's Outside Counsel  
John F. Barg, Esq.  
David M. Metres, Esq.  
Barg Coffin Lewis & Trapp  
600 Montgomery Street, Suite 525  
San Francisco, CA 94111  
(415) 228-5400

- 4. For each and every question contained herein, identify documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the question, and provide accurate copies of all such documents.**

BNSF consulted its system of records to locate documents responsive to EPA's request. BNSF has identified all documents responsive to the substantive questions in EPA's request.

- 5. Describe all property interests that BNSF, or its predecessors, currently holds at the Site, or has held in the past, and any maps, surveys, or photographs that identify property held. Identify the person from whom you acquired each interest and provide the date the property interest was acquired. Provide copies of all deeds, leases, or other conveying instruments that contain the above information. If the property interest is no longer held, detail to whom it was transferred (provide contact information) and furnish copies of documentations detailing the transfer.**

The Exhibits identified in this Response contain all documents in BNSF's possession that relate to the acquisition or disposition, if any, of property interests at the Site.

BNSF located a quitclaim deed, dated October 24, 1881, transferring interests from E. Fuller and other individuals to the Denver, South Park and Pacific Railroad Company. Exhibit 1. BNSF also located a quitclaim deed, dated August 11, 1882, transferring interests from S.J. Peters and other individuals to the Denver, South Park and Pacific Railroad Company. Exhibit 2. BNSF also located a quitclaim deed, dated August 28, 1882, transferring interests from H.H. Brown and other individuals to the Denver, South Park and Pacific Railroad Company. Exhibit 3. BNSF also located a quitclaim deed, dated February 28, 1883, transferring interests from C.H. Tompkins and other individuals to the Denver, South Park and Pacific Railroad Company. Exhibit 4. BNSF also located a quitclaim deed, dated May 3, 1884, transferring interests from M.B. Carpenter and other individuals to the Denver, South Park and Pacific Railroad Company. Exhibit 5.

BNSF located a court decision regarding a condemnation proceeding, dated May 12, 1882. Exhibit 6.

BNSF also located a December 3, 1942 quitclaim deed wherein The Colorado and Southern Railway Company (CSRC) conveyed to the County of Summit certain mining claims. Exhibit 7.



6. Describe the relationship between the Denver, Leadville and Gunnison Railway Company and CSRC, as it relates to the Site. Provide copies of all documents related to each relationship including, but not limited to, merger agreements, purchase agreements, property transfer documents and assumptions of liability.

CSRC acquired the Denver, Leadville and Gunnison Railway Company (DLGR) under foreclosure in 1898. BNSF located a copy of a master's deed, dated December 9, 1898 that conveys certain DLGR property to Henry Budge, Charles A. Peabody, Jr., and Henry de Coppet. Exhibit 8. BNSF also located two copies of what appears to be the same indenture document, dated December 28, 1898. Exhibits 9 & 10. Finally, BNSF also located a document titled "*Certificate of Payment of the Capital Stock of The Colorado and Southern Railway Company,*" dated January 23, 1899. Exhibit 11.

7. Describe BNSF and its predecessors' activities and operations at the Site, including the following, and provide copies of all documents relating to such activities and/or operations:

- a. A description of the operations conducted at the Site;
- b. A description of the facilities related to each operation and a description of where the facilities were located;
- c. The dates each facility operated;
- d. The function performed or product produced by each facility;
- e. Any changes BNSF or its predecessors made to the Site, including any demolition, removal, or improvements;
- f. The activities taken upon cessation of operations at the Site;
- g. The date BNSF or any predecessor transferred all or a portion of the Site and the entity to which the Site was transferred.

Following a search of its records, BNSF has located no information or documents describing any entity's activities and operations at the Site.

8. Describe and, where available, provide maps, drawings, photographs, and/or other images that depict the physical characteristics of the Site, including but not limited to the following:
- a. Surface structures and equipment (e.g., buildings, ore bins, tanks, etc.);
  - b. Right-of-ways;
  - c. Roads;

- d. Railroad stations (including loading/unloading stations);**
- e. Railroad tracks or trackage (identify where and when the main and spur track were constructed);**
- f. Railroad tunnels;**
- g. Railroad roadways and aerial trams; and**
- h. Railroad embankments.**

BNSF located three track maps that appear to depict certain physical characteristics at or near the Site. *See* Exhibits 12, 13, and 14. BNSF has no other documents regarding the physical characteristics of the Site.

- 9. Provide any additional information or documents you may have which may shed light in regard to other owners or operators (i.e., other railroad companies or mining companies) at the Site, including, but not limited to, the nature of their current or past mining operations and interests at the Site.**

Following a search of its records, BNSF has located no additional information or documents regarding owners or operators at the Site.

- 10. Describe and provide any information you have regarding any mining activities at the Site. Include any boring activities, boring logs, mining, milling or smelting activities, ore production records, processing or reprocessing contracts and records of wastes produced from milling, mining or smelting activities at the Site. Provide copies of the mine plans and maps and process flow sheets used at any and all mines, mills or smelters at the Site.**

Following a search of its records, BNSF has located no documents or information regarding any mining activity at the Site.

- 11. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.**

BNSF has no reason to believe that there may be persons able to provide a more detailed or complete response to any question in EPA's information request or who may be able to provide additional responsive documents.

## EXHIBITS

<u>Ex. No.</u>	<u>Description</u>
1.	Quitclaim Deed between E. Fuller and other individuals, and the Denver, South Park and Pacific Railroad Company (October 24, 1881).
2.	Quitclaim Deed between S.J. Peters and other individuals, and the Denver, South Park and Pacific Railroad Company (August 11, 1882).
3.	Quitclaim Deed between H.H. Brown and other individuals, and the Denver, South Park and Pacific Railroad Company (August 28, 1882).
4.	Quitclaim Deed between C.H. Tompkins and other individuals, and the Denver, South Park and Pacific Railroad Company (February 28, 1883).
5.	Quitclaim Deed between M.B. Carpenter and other individuals, and the Denver, South Park and Pacific Railroad Company (May 3, 1884).
6.	Order and Judgment in <i>The Denver, South Park and Pacific Railroad Company v. S.S. Winslow, Frank Bacon, and John W. Daugherty</i> , Cause No. 441 (May 12, 1882).
7.	Quitclaim Deed between The Colorado and Southern Railway Company and the County of Summit (December 3, 1942).
8.	Copy of Master's Deed. Marshall E. Johnson (Special Master), Frank Trumbull (Receiver), American Loan and Trust Company (a Massachusetts Corporation), and The Denver, Leadville and Gunnison Railway Company, to Henry Budge, Charles A. Peabody, Jr., and Henry de Coppet (All of the City of New York) (December 9, 1898).
9.	Indenture between Henry Budge, Charles A. Peabody, Junior, and Henry De Coppet, and The Colorado and Southern Railway Company (December 28, 1898).
10.	Copy of Indenture between Henry Budge, Charles A. Peabody, Junior, and Henry De Coppet, and The Colorado and Southern Railway Company (December 28, 1898).
11.	Certificate of Payment of the Capital Stock of The Colorado and Southern Railway Company (January 23, 1899).
12.	Right of Way and Track Map, Line Segment 479, M.P. 109 to M.P. 110.
13.	Right of Way and Track Map, Line Segment 479, M.P. 107 to M.P. 109.

14. Right of Way and Track Map, Line Segment 479, M.P. 105 to M.P. 106.



# **EXHIBIT 1**

**For and in Consideration of** The benefits from the construction of a Railroad and the sum of one dollar to <sup>us</sup> ~~him~~ in hand paid by the **Denver, South Park and Pacific Railroad Company**, the receipt whereof is hereby acknowledged, the undersigned Elizabeth Fuller, and Frederic Crome of the County of Summit and State of Colorado, has this day quit-claimed, granted, demised, released, and hereby conveyed to said Company, its successors and assigns, the right to locate, construct, operate and maintain one ~~of~~ ~~more~~ Railroad and Telegraph lines over and through the following described land, situate in the County of Summit State of Colorado, viz:

A tract of land and places fronting Situate at the head of Illinois Park and adjoining on both sides, the Hamilton and Breckenridge Toll Road, and adjoining the Gold Run ditch, on both sides, and being all the places fronting ~~the~~ Situate, standing in our names of Record in said County's Records office or to which we or either of us have any legal or Equitable title in said Illinois Park, provided said line is located in the ground as now staked, except that any immaterial change in said line may be made



And that said Company and assigns shall be entitled to a tract of land for railroad and telegraph purposes, fifty feet in width on each side of said road, and the right to erect and maintain protections against snow, beyond said width, wherever and whenever necessary, and directed by the engineers of the Company; and said Company shall construct the necessary cattle guards, road and ditch crossings.

That if a Railroad is not completed on said right of way, or if at any time abandoned and the rails removed, this grant shall be deemed void, and the land affected thereby wholly released therefrom.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and seal, the

24<sup>th</sup>

day of October A. D. 1881

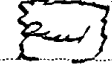
Elizabeth Fuller   
By J. L. Fuller her Atty in fact   
Frederick Crome

STATE OF COLORADO, }  
Summit COUNTY. } ss.

I, A. L. Shuck,

a Justice of the Peace in and for said County, in the State  
aforesaid, do hereby certify that J. L. Fuller as attorney in fact of Elizabeth Fuller  
and Fredonia Cronin  
personally known to me as the person whose name <sup>is</sup> subscribed to the annexed Deed,  
appeared before me this day in person, and acknowledged that they signed, sealed and  
delivered the said instrument of writing as their free and voluntary act for the uses  
and purposes therein set forth. and the said J. L. Fuller further acknowledged  
the same for the use and voluntary of the said Elizabeth Fuller by him  
Given under my hand and seal this 24<sup>th</sup>

day of October A. D. 1887.

A. L. Shuck   
Justice of the Peace

2258

# Deed C. E. Records  
2258 2732

RIGHT OF WAY.

Elizabeth Fuller  
Fredonia Cronin

TO

Denver, South Park & Pacific

RAILROAD COMPANY.

STATE OF COLORADO, }  
COUNTY OF Summit } ss.

This Deed was filed for record at 4

o'clock

M.

Oct 24

1887 and duly recorded in

Book 140 page No. 33

Recorder.

Fees, \$ 7.00

10/24/87  
102

# **EXHIBIT 2**



For and in Consideration of The benefits from the construction of a Railroad and the sum of Fifty - Dollars to him in hand paid by the **Denver, South Park and Pacific Railroad Company**, the receipt whereof is hereby acknowledged, the undersigned J. J. Peters and B. S. Harbours of the County of Summit and State of Colorado, has this day quit-claimed, granted, demised, released, and hereby conveyed to said Company, its successors and assigns, the right to locate, construct, operate and maintain one or more Railroad and Telegraph lines over and through the following described land, situate in the County of Summit State of Colorado, viz:

The Harbours Claim Mining Claim containing Twenty - acres

In a full and patent description of said claim, reference is made to Preemption Record - Book 7 at page 676 in the office of the Recorder of said County and State

And also The Harbours Claim containing Twenty - acres in Illinois Cont'd described fully and patented in Preemption Book 7 at page 460 in the Records office of said Illinois County

And that said Company and assigns shall be entitled to a tract of land for railroad and telegraph purposes, fifty feet in width on each side of said road, and the right to erect and maintain protections against snow, beyond said width, wherever and whenever necessary, and directed by the engineers of the Company; and said Company shall construct the necessary cattle-guards, road and ditch crossings.

That if a Railroad is not completed on said right of way, or if at any time abandoned and the rails removed, this grant shall be deemed void, and the land affected thereby wholly released therefrom.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal, the 11<sup>th</sup> day of August A. D. 1882

J. J. Peters  
By B. S. Harbours Atty in fact  
J. J. Peters



STATE OF COLORADO, }  
Summit COUNTY. } ss.

I, P. D. Michel  
a Justice of the Peace, in and for said County, in the State  
aforesaid, do hereby certify that J. Peters and J. Peters attorney in fact  
for J. B. Harber personally known to me as the person whose name is subscribed to the annexed Deed,  
appeared before me this day in person, and acknowledged that he signed, sealed and  
delivered the said instrument of writing as his free and voluntary act for the uses  
and purposes therein contained.

Given under my hand and official seal this 11th  
day of August A. D. 1882

P. D. Michel (Seal)  
Justice of the Peace  
Apprued June 23. 88-  
J. B. Harber  
att

This deed is good, but nothing appears in  
respect to the power of Peters. to act as atty  
for Harber  
J. B.

2284

2284	RECEIVED MAY 25 1885 Auditors Office, U.P. & N. Co.	C. E. Rice 229108	No.
RIGHT OF WAY.			
<u>J. B. Harber</u>			
Denver, South Park & Pacific RAILROAD COMPANY.			
1882 229108-50-			
STATE OF COLORADO, } COUNTY OF <u>Summit</u> } ss.			
This Deed was filed for record at <u>11</u> o'clock <u>P. M.</u> Sept. <u>7</u> 1882			
and duly recorded in book <u>65</u> page No. <u>236</u>			
<u>James K. Harber</u> James K. Harber Fees, \$ <u>2.50</u>			
8/11/82 -5000			

# **EXHIBIT 3**

**For and in Consideration of** The benefits from the construction of a Railroad, and the sum of One Hundred & twenty five <sup>dollars</sup> to him in hand paid by the **Denver, South Park and Pacific Railroad Company**, the receipt whereof is hereby acknowledged, the undersigned, H. H. Brown James Ostergard and J. W. Lash of the County of Summit and State of Colorado, has this day quit-claimed, granted, demised, released, and hereby conveyed to said Company, its successors and assigns, the right to locate, construct, operate and maintain one or more Railroad and Telegraph lines over and through the following described land, situate in the County of Summit State of Colorado, viz:

The Elkhorn lode and Mining Claim, situate on Trigger Hill, in Minnesota Mining District, in Summit County, Colorado, as the same is located and claimed by the undersigned, such right to locate, construct, operate and maintain such Rail Road and Telegraph lines over and through said described land, including the right to cross over and through the same twice or in two places, as said line is not to ~~constructed and established and~~ <sup>erected</sup>, and to include all damages for cutting or wasting any timber thereon, or any other damages that, satisfaction therefor having been settled.

H. H. Brown





James Ostergard

J. W. Lash

And that said Company and assigns shall be entitled to a tract of land for railroad and telegraph purposes, fifty feet in width on each side of said road, and the right to erect and maintain protections against snow, beyond said width, wherever and whenever necessary, and directed by the engineers of the Company; and said Company shall construct the necessary cattle guards, road and ditch crossings.

That if a Railroad is not completed on said right of way, or if at any time abandoned and the rails removed, this grant shall be deemed void, and the land affected thereby wholly released therefrom.

IN TESTIMONY WHEREOF, We have hereunto set <sup>my</sup> ~~my~~ hands and seals the 28<sup>th</sup> day of August A. D. 1882.

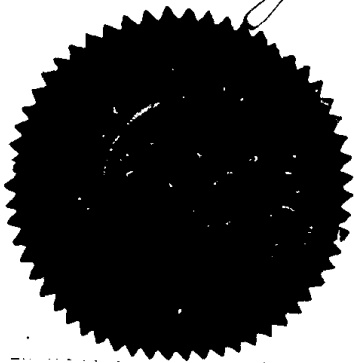
H. H. Brown  E. J. Benet   
James Ostergard   
J. W. Lash 



STATE OF COLORADO, }  
Summit COUNTY. } ss.

a. *Notary Public* *Ely Bartlett*  
in and for said County, in the State  
aforesaid, do hereby certify that *N. H. Brown, Jas. Ostergard & D. H. Lusk*  
personally known to me as the persons whose names ~~are~~ subscribed to the annexed Deed,  
appeared before me this day in person, and acknowledged that they signed, sealed and  
delivered the said instrument of writing as their free and voluntary act for the uses  
and purposes therein set forth.

Given under my hand and *Notary* seal this *28th*  
day of *August* A. D. 188*7*



*Notary fees paid*  
*Ely Bartlett*  
*N.D.*

*Notary Public*

2252

C.E. Records  
# ~~2252~~ 2252

No.

RIGHT OF WAY.

*H. H. Brown, Subsec*  
*and Jas. Ostergard*

-TO-

Denver, South Park & Pacific  
RAILROAD COMPANY.

STATE OF COLORADO, }  
Summit COUNTY OF } ss.

This Deed was filed for record at *10*<sup>*30*</sup>

o'clock *A. M.*, *Aug 29th*  
188*7* and duly recorded in

Book *43* page No. *188*

*James J. Dannew*  
Recorder.

Fees, \$

*1.00*  
*1.00*  
C. E. RECORDS

# **EXHIBIT 4**

**This Indenture**, Made the *twenty eighth* day of *February*

in the year of our Lord eighteen hundred and *eighty three* BETWEEN

*C. H. Tompkins, Robert M. Morse Jr. and A. J. Ware of the first part and the Denver South Park and Pacific Railroad Company*

of the second part, WITNESSETH, that the said parties of the first part, for and in consideration of the sum of *Fifteen hundred* Dollars,

lawful money of the United States, to the said parties of the second part, at or before the execution of these presents, the receipt whereof is hereby acknowledged, have granted, released and quit-claimed, and by these presents do remise, release and quit-claim unto the said party of the second part, and to *their* heirs and assigns forever, the following described premises, to wit:—

COMMENCING WHERE THE LINE OF THE DENVER, SOUTH PARK AND PACIFIC RAILROAD COMPANY ENTERS SURVEY NO. 26 BETWEEN CORNERS FIVE (5) AND SIX (6) OF SAID SURVEY AND PASSING OUT OF IT BETWEEN CORNERS NO. 64 AND 65 A DISTANCE OF 340 FEET: RE-ENTERING SAID SURVEY NO. 26 BETWEEN CORNERS 61 AND 62 PASSING OUT AGAIN BETWEEN CORNERS 53 AND 54, A DISTANCE OF 750 FEET: AGAIN RE-ENTERING SAID SURVEY NO. 26 BETWEEN CORNERS 55 AND 56, AND FINALLY LEAVING IT BETWEEN CORNERS 56 AND 57, A DISTANCE 700 FEET. THE RIGHT OF WAY HEREBY CONVEYED BEING A STRIP OF LAND 100 FEET WIDE, 50 FEET ON EACH SIDE OF THE CENTRE LINE OF SAID RAILROAD AS ABOVE DESCRIBED, WITH SUCH ADDITIONAL WIDTH AS MAY BE ABSOLUTELY NEEDED FOR THE SLOPES OF EMBANKMENTS, CONTAINING FOUR AND ONE-TENTH ACRES, *situate in Summit*

*County Colorado.*

*Description correct  
J. H. Thompson  
Deed Book*

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said part of the first part of, in or to the above described premises, and every part and parcel thereof, with the appurtenances, TO HAVE AND TO HOLD, all and singular, the above mentioned and described premises, together with the appurtenances, unto the said party of the second part and assigns forever.

IN WITNESS WHEREOF the said parties of the first part have hereunto subscribed *their* names and affixed *their* seal this the day and year first herein written.

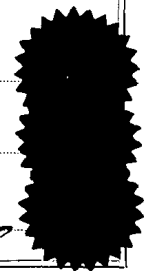
Sealed and delivered in presence of  
as to C. H. Tompkins, A. J. Ware  
Chas. Edgar Miller

*Sam. J. Thompson  
to R. M. Morse Jr.*

*C. H. Tompkins*

*R. M. Morse Jr.*

*A. J. Ware*



New York  
State of Colorado, }  
New York City COUNTY. } SS.

On this Twelfth day of March in the year one thousand eight hundred and eighty three before me, the subscriber, appeared C. H. Tompkins  
and A. J. Ware

to me personally known to be the same persons described in and who executed the within instrument, and acknowledged that they executed the same as their free and voluntary act, and for the uses and purposes therein set forth.

WITNESS my hand and office — seal. this 12<sup>th</sup> day of March 1883. — Charles Edgar Mills  
Commissioner for Colorado  
in Denver

Commonwealth of Massachusetts,  
County of Suffolk, City of Boston,  
Be it remembered that on this fourteenth  
March A. D. 1883, before me, Samuel Jennie  
missioner of the State of Colorado, res-  
ident, duly commissioned and qualified to take ack-  
nowledgments, &c., in and for the County of Suffolk,  
City of Boston, in said State,  
appeared Robert M. Morse

Samuel Jennie  
Commissioner for Colorado  
in Massachusetts

Official  
Notary Public  
at

2286

ENTERED IN DEED  
REGISTER  
Folio No. 4848  
Vol. No. 4848  
Treas. No. 4848

RECEIVED  
AUG 17 1885  
U. S. DEPT. OF THE INTERIOR  
BUREAU OF LANDS

2286

QUIT-CLAIM DEED

A. J. Ware & A. J. Ware  
Declarator  
and Pacific Railroad  
Company

I hereby certify that the within instrument was  
filed in this office for record on the 26<sup>th</sup>  
day of May A. D. 1884 at  
9 o'clock A.M. and was duly recorded  
in Book 51 Page 331 to 332

RECEIVED  
JUL 19 86  
Recorder of Deeds  
County

Fees \$2.50  
1883  
16567  
1000

# **EXHIBIT 5**



This Deed, Made this *Third* day of *May* in the year of our Lord  
one thousand eight hundred and eighty-*four* between

*Mason B Carpenter*  
of the County of Arapahoe, and State of Colorado, of the first part, and *The Denver South  
Park and Pacific Railroad Company*, a corporation—  
of the ~~County of Arapahoe~~ State of Colorado, of the second part:

WITNESSETH, that the said part *y* of the first part, for and in consideration of the sum of *—*  
*Five* dollars, to the said part *y* the first part in hand paid  
by the said part *y* of the second part, the receipt whereof is hereby confessed and acknowledged ha*th*  
remised, released, sold, conveyed and quitclaimed, and by these presents do*th* remise, sell, convey and  
quitclaim unto the said part *y* of the second part, *its successors* and assigns forever, all the right  
title, interest, claim and demand which the said part *y* of the first part ha*th* in and to the following  
described real estate, situated lying and being in the County of *Larimer* and State of Colorado, to-wit:

Commencing where the line of the Denver South Park  
and Pacific Railroad Company enters Survey #  
86 between Corners Fifty (5) and Sixty (6) of said  
Survey and passing out of it between Corners Sixty  
four and Sixty five (65) a distance of 840 feet.  
Reentering said Survey No. 86 between Corners  
Sixty one (61) and Sixty two (62) passing out again  
between Corners Fifty three (53) and Fifty four (54) a  
distance of 750 feet. Again Reentering said Survey  
No. 86 between Corners Fifty five (55) and Fifty  
six (56) and finally leaving it between Corners Fifty  
six (56) and Fifty seven (57) a distance of 700 feet.  
The right of way hereby conveyed being a strip  
of land 100 feet wide, 50 feet on each side of  
the center line of said railroad as above des-  
cribed with such additional width as may be ab-  
solutely needed for the slopes of embankments  
containing four and one tenth acres.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges  
thereunto belonging, or in anywise thereunto appertaining; and all the estate, right, title, interest and  
claim whatsoever, of the said part *y* of the first part, either in law or equity, to the only proper use,  
benefit and behoof of the said part *y* of the second part *its successors* and assigns forever.

IN WITNESS WHEREOF, the said part *y* of the first part ha*th* hereunto set his hand and seal  
the day and year above written.

Signed, Sealed and Delivered in Presence of

*Mason B Carpenter*

SEAL

SEAL



STATE OF COLORADO, }  
County of Arapahoe. } ss.

I *Wm R. Scott,*

a Notary Public

in and for said County, in the State aforesaid, do hereby certify that

*Mason B Carpenter*

personally known to me as the person

whose name *is* subscribed to the annexed deed, appeared before me this day in person and acknowledged that *he* signed, sealed and delivered the said instrument of writing as *his* free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and *Notarial* seal this *Third* day of *May*  
A. D. 188*4*

*Wm R. Scott*  
*Notary Public*

*Wm R. Scott*  
*Notary Public*

2287

2287

No.

QUITCLAIM DEED.

*Mason B Carpenter*

TO

*Denver South Park and  
Pacific R.R. Co.*

STATE OF COLORADO, }  
*Summit* } ss.  
Arapahoe County,

I hereby certify that this instrument  
was filed for record in my office, at *9*  
o'clock *A.M.* *May 16.* 188*4*,  
and is duly recorded in book *42*,  
page *368*

*Geo. Ryan*  
Recorder.

*6568*  
Fees, \$ *2.50* pd

OFFICIAL ABSTRACTS OF TITLE

To any Real Estate in Arapahoe County  
furnished by

*WILBUR C. LOTHROP,*  
County Clerk and Recorder.

TITLES EXAMINED. DEEDS DRAWN.  
ACKNOWLEDGEMENTS TAKEN. *53.84*



# **EXHIBIT 6**



At Chambers, Thursday May 12<sup>th</sup> 1887  
Before W<sup>m</sup> A Gusselman Judge of the  
County Court of Summit County Colorado  
Cause No 4441

The Denver South Park and  
Pacific Railroad Company. Plff.

S. S. Winslow, Frank Bacon,  
and John W. Laugherty. Defendants

Eminent  
Domain

Now on this 12<sup>th</sup>  
day of May 1887 it appearing to W<sup>m</sup> A Gusselman  
Judge of the County Court of Summit  
County Colorado at Chambers that the above  
entitled action was brought by plaintiff  
against defendants to have condemned  
for a road bed a strip of ground herein-  
after particularly described and that  
there has been an inquisition of Damages  
and that the jury in this cause returned  
into Court their verdict giving to defend-  
ants as the value of the ground actually  
taken and incidental damages the sum  
of One hundred and sixty four Dollars  
and fifty cents, and that plaintiff is  
entitled to said ground on payment  
of said \$164.50 and costs of these pro-  
ceedings.

Wherefore it is Ordered, ad-  
judged and Decreed That defendants  
have and recover of plaintiff the sum  
of One hundred and sixty four Dollars  
and fifty cents and that plaintiff



pay the costs of these proceedings taxed at Two hundred and Seventy five Dollars and Ninety five Cents, And it is further considered, ordered, adjudged and decreed by said Judge that payment by plaintiff to the defendants the said sum of \$164.50 or upon payment of the same into Court or to the Clerk or Judge thereof for the use of defendants then the said plaintiff petitioner without let or hindrance from defendants or either of them or any one claiming under by or through them or either of them shall forthwith enter upon take possession and forever hereafter use occupy and enjoy the following described tract or parcel of the South Elkhorn Lode Mining Claim situate lying and being in Illinois Park on what is known as Silverthorn Hill, County of Summit and State of Colorado, Said South Elkhorn Lode Mining Claim being described on Page 170 Book X of the Location Records on file in the Recorder's Office of said County, and the part thereof taken and condemned is more particularly described as follows to wit:

Beginning at a point in the southwestern side line of said Mining Claim, which point bears south  $29^{\circ}$  west 243 feet from what is described as the North West corner No 3 of said claim and running thence in a south eastern direction 153.04 feet to a point in the South Eastern side line



folio 5-

of said claim which last named point  
bears South  $29^{\circ}$  West 212 feet from what  
is described as the North East corner No 2  
of said claim. Thence running North  $29^{\circ}$   
East along said side line 24 feet to a point  
in said side line 188 feet from said  
corner No 2. Thence running in a North-  
westerly direction 153.04 feet to a point in a  
Northwestern side line of said claim  
distance South  $29^{\circ}$  West 219 feet from the  
said Northwest corner No 3. Thence South  
 $29^{\circ}$  West along said Northwestern side line  
24 feet to the place of beginning. Said  
described tract of land containing 0.075  
acres.

Done at Chambers

May 12<sup>th</sup> 1882.

Wm A Guysselman  
County Judge

folio 6

Cause No 441

The Denver South Park and  
Pacific Railroad Company, Plff  
vs

S. L. Winslow, Frank Bacon  
& John McLaugherty, Defendants

Now on this 12<sup>th</sup> day of  
May 1882 comes the plaintiff by its attorneys  
Bereman & Jones Esqs and file in the  
office of the County Court, Defendants  
receipt showing that plaintiffs have paid  
and that defendants have accepted and  
received \$164.50 in full satisfaction  
of the judgment in said cause



rendered except as to matters of costs.

Wm. H. Gyselman  
County Judge

State of Colorado } ss  
County of Summit }

I, Melvin D. Clark  
Clerk of the County Court of Summit  
County Colorado, do hereby certify that  
the foregoing is a true and complete  
copy of the judgment had and entered  
of record in the County Court of Summit  
County Colorado, as will appear by  
reference to Judgment Book 2 on  
Pages 348 and 349.

In witness whereof I  
herewith affix my hand and  
the seal of this Court this  
17<sup>th</sup> day of June A.D. 1882  
Melvin D. Clark.



2255

C.E. Records

2731.

2255  
Copy of

Judgment

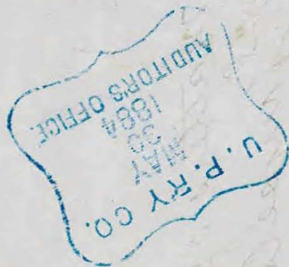
Denver South Park  
and Pacific Railroad  
Company

vs

S.L. Winslow, Et al

Cause No 441

County Court.



6546  
STATE OF COLORADO, ss.  
County of Summit.  
I hereby certify that this instrument was  
filed for record in my office, at 4 o'clock  
P.M. June 17, 1884.  
and is duly recorded in book #1, page No. 261.  
James K. Darrell  
James O. Dignition  
RECORDED  
Entered in Rec. Bk. of Wm. B. Smith, Esq.

# **EXHIBIT 7**

# QUITCLAIM DEED.

THIS INDENTURE, made this 3rd day of December, in the year of our Lord one thousand nine hundred and forty-two, between THE COLORADO AND SOUTHERN RAILWAY COMPANY, a Colorado corporation (successor in interest to The Denver, South Park and Pacific Railroad Company), of the first part, and the COUNTY OF SUMMIT, STATE OF COLORADO, party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) to the said party of the first part in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, has remise, released, sold, conveyed and quitclaimed, and by these presents does remise, release, sell, convey and quitclaim unto the said party of the second part, and its successors and assigns forever, all the right, title, interest, claim and demand which the said party of the first part has in and to the following described real estate, situate, lying and being in the County of Summit and State of Colorado, to-wit:

Placer Mining Claim designated as U. S. Survey No. 86,	
South Elkhorn Lode Mining Claim, U. S. Survey No. 13508,	
South Side Placer Mining Claim, " " " "	1356,
Maggie Placer Mining Claim, " " " "	1338,
Fanny Placer Mining Claim, " " " "	12318,
Silverthorn Placer Mining Claim, " " " "	5537,
Denison Placer Mining Claim, " " " "	3006,
Metcalf Placer Mining Claim, " " " "	5449,
Hunt Placer Mining Claim, " " " "	1349,
Engle Placer Mining Claim, " " " "	1037,
Rankin Placer Mining Claim, " " " "	1364,
French Gulch Placer Mining Claim " " " "	2589 AM.,
Magnum Bonum Placer Mining Claim " " " "	3139,
B. and L. No. 2 Placer Mining Claim " " " "	14044,
Bonnie Nelson Placer Mining Claim " " " "	11494,
Red Rover Placer Mining Claim, " " " "	11494,
Fairview Placer Mining Claim, " " " "	13660,
Bryan Placer Mining Claim, " " " "	14025,
Accommodation Placer Mining Claim " " " "	19361,
Braddock Placer Mining Claim, " " " "	13465,
Munroe Placer Mining Claim, " " " "	1150,
Goodale Placer Mining Claim, " " " "	13494,
Flora Placer Mining Claim, " " " "	1362,

Part of the Fairview Placer Mining Claim comprising Lots 2 and 3, Section 19, Township 6 South, Range 77 West, and Lot 3, Section 24, Township 6 South, Range 78 West of the 6th P.M.; the Blue River Placer Mining Claim described as Lots 5, 6, and 9, Section 6, Township 6 South, Range 77 West of the 6th P.M. and the West half (W $\frac{1}{2}$ ) of Lot 4 and East half (E $\frac{1}{2}$ ) of Lot 7, said Section 6, designated as Survey No. 18461; and the Troy Bar Placer Mining Claim, situate in the Consolidated Ten Mile Mining District, as per deed from Benjamin F. Follitt recorded in Book 42 at Page 325 of the Summit County, Colorado, records.

The intention being hereby to quitclaim to said party of the second part all the interest which the party of the first part has in or to any of the foregoing described lands, by virtue of the railroad right of way, depot and station grounds, which the said party of the first part heretofore acquired and occupied in, through, over and across said lands.

There is reserved and excepted from this conveyance,

however, any and all lands and right of way which the party of the first part, or its predecessors in title, acquired from the United States under the Act of Congress approved March 3, 1875, which lands so acquired from the United States the party of the first part heretofore has relinquished or intended to relinquish to the United States; and there is also excepted and reserved from this conveyance the following, to-wit: A right of way for a road or highway heretofore given by the grantor to the Town of Breckenridge over and across the said Hunt Placer Mining Claim as per right of way deed dated March 3, 1924, and appearing of record in Book 113 at Page 99 of said Summit County records; and also the lands or premises embraced within the conveyance heretofore made by the grantor to Barney L. Whatley as per deed dated May 23, 1938, and appearing of record in Book 125 at Page 504 of said Summit County records; and also all that part of the Hunt Placer, U. S. Survey No. 1349 heretofore conveyed to The Tonapah Placers Co. by deed dated March 3, 1924, and appearing of record in Book 113 at Page 91 of said Summit County records; and also all that part of the Magnum Bonum Placer U. S. Survey No. 3139, and all that part of the French Gulch Placer U. S. Survey No. 2589 A.M. heretofore conveyed to The Tonapah Placers Co. by deed dated November 28, 1919, and appearing of record in Book 108 at Page 295 of said Summit County records.

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances and privileges thereunto belonging or in any wise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the only proper use, benefit and behoof of the said party of the second part and its successors and assigns forever.

IN WITNESS WHEREOF, the party of the first part has caused this instrument to be signed in its corporate name and its corporate seal to be hereto affixed by its officers thereunto duly authorized, the day and year first above written.

THE COLORADO AND SOUTHERN RAIL-  
WAY COMPANY,

ATTEST:

W. H. Anderson  
Secretary.

By Robt Rice  
Vice President.

STATE OF COLORADO     |  
City and County       |     ss.  
of Denver             |

The foregoing instrument was acknowledged before me this 9th day of December, 1942, by Robt. Rice and W. H. Anderson, as the Vice President and Secretary, respectively, of The Colorado and Southern Railway Company, a corporation.

Witness my hand and notarial seal.

My commission expires November 4, 1945

*affirmed as to form  
J. S. Rice  
Notary Attorney*

Harry J. Struck  
Notary Public.



# **EXHIBIT 8**

12-9-1998

C O P Y

M A S T E R ' S   D E E D

Marshall E. Johnson, - Special Master

Frank Trumbull, - Receiver

American Loan and Trust Company, - a Massachusetts corporation

And

The Denver, Leadville and Gunnison Railway Company

T O

Henry Budge, Charles A. Peabody, Junior, and Henry de Coppet  
All of the City of New York



THIS INDENTURE, made the ninth day of December, in the year one thousand eight hundred and ninety-eight, between MARSHALL E. JOHNSON, as Special Master in the cause hereinafter mentioned pending in the Circuit Court of the United States for the District of Colorado, party of the first part, FRANK TRUMBULL AS Receiver of the property of The Denver, Leadville and Gunnison Railway Company, appointed by said Court in said cause, party of the second part, THE AMERICAN LOAN AND TRUST COMPANY, a corporation created by and existing under the laws of the Commonwealth of Massachusetts, as Trustee under the first mortgage of The Denver, Leadville and Gunnison Railway Company, party of the third part, THE DENVER, LEADVILLE AND GUNNISON RAILWAY COMPANY, a corporation created by and existing under the laws of the State of Colorado, defendant in said cause, party of the fourth part, and HENRY BUDGE, CHARLES A. PEABODY, JUNIOR, and HENRY DE COPPET, All of the City and State of New York, parties of the fifth part.

WHEREAS, The Denver, Leadville and Gunnison Railway Company, a corporation created by and existing under the laws of the State of Colorado, did, on or about the first day of August, 1889, execute and deliver to The American Loan and Trust Company, as Trustee, a certain mortgage or deed of trust, dated on that day, whereby it conveyed to said Trust Company, party of the third part, as Trustee, the railroads, property, franchises and rights in said mortgage described and hereinafter conveyed, to secure a certain issue of first mortgage bonds of said Railway Company payable November 1, 1918, of which \$2,308,000. in par value were thereafter duly issued and are now outstanding; and

WHEREAS, said The Denver, Leadville and Gunnison Railway Company, having made default in the payment of the interest which became due on said first mortgage bonds on the first day of November, 1893, such proceedings were had in a certain cause in equity pending in the Circuit Court of the United States for the District of Colorado wherein said The American Loan and Trust Company was complainant, and said The Denver, Leadville and Gunnison Railway Company and others were defendants, that a certain decree of foreclosure and sale was on the sixth day of August, 1898, entered by said Court, wherein and whereby it was adjudged and decreed that said The Denver, Leadville and Gunnison Railway Company pay or cause to be paid within ten days after the entry of said decree certain sums therein found to be due for interest on said first mortgage bonds, and that in default of such payment by said Railway Company, or by any one claiming under it, or by any one for its account, within the time so directed, the said railroads, property and franchises should be sold as in and by said decree provided, reference being hereby made to the said decree, and to the record in said cause; and

WHEREAS, neither the said The Denver, Leadville and Gunnison Railway Company, or any one claiming under it, nor any one for its account, made payment of the said sum or any part thereof within the period specified in said decree, or at any other time; and

WHEREAS, in said cause so pending in the Circuit Court of



the United States for the District of Colorado, the party of the second part hereto was on or about the fourth day of August, 1894, appointed Receiver of all said railroads, property and franchises and thereupon entered into and is now in possession thereof; and

WHEREAS, the party of the first part hereto in and by said decree of August 6th, 1898, was appointed Special Master to make, direct and conduct the sale of such mortgaged railroads, property and franchises, and to execute and deliver a proper deed of conveyance to the purchasers thereof, upon the due confirmation of said sale, and the full payment of the purchase money therefor as in said decree provided; and

WHEREAS, the party of the first part hereto in pursuance of said decree and of the notice of sale published and given, did, on the 18th day of November, 1898, at the place in said decree specified, to-wit, at the turn-table in front of the round-house of the said defendant, The Denver, Leadville and Gunnison Railway Company, on Block 266, West Denver, Arapahoe County, Colorado, upon the mortgaged premises duly sell by public auction to the said Henry Budge, Charles A. Peabody, Junior, and Henry de Coppet, parties of the fifth part hereto, they being the highest and best bidders at said sale, all and singular the said railroads, property and franchises, the same being the railroads, property and franchises in said decree mentioned and directed to be sold at and for the sum of one million five hundred thousand dollars, due notice of the time and place of said sale briefly describing the property to be sold, and referring to said decree having been published pursuant to said decree and to law, and the said decree having been complied with in all things relating to the said sale; and

WHEREAS, the party of the first part, Special Master as aforesaid, did thereafter duly make and file his report of said sale to the said Court, which said report and the sale therein reported were upon due notice by decree of said Court duly confirmed and made absolute; and

WHEREAS, in and by said decree confirming said sale the party of the first part, as such Special Master, was ordered and directed to sign, seal, execute and deliver a deed or deeds of conveyance to the said Henry Budge, Charles A. Peabody, Junior, and Henry de Coppet, parties of the fifth part hereto, purchasers as aforesaid, as joint tenants and not as tenants in common, or to their assigns, conveying to them all and singular the railroads, property and franchises hereinafter described, upon payment by the said purchasers of the balance of their bid for said property, either in cash or in said first mortgage bonds of The Denver, Leadville and Gunnison Railway Company; and

WHEREAS, in and by said decree of foreclosure and sale, and said decree confirming such sale, it was further ordered, adjudged and decreed that the complainant, The American Loan and Trust Company, and the defendant, The Denver, Leadville and Gunnison Railway Company should each join in such deed of said Special Master, or execute to said purchasers or their assigns by way of further assurance a deed of all their right, title and



interest in said railroads, property and franchises; and further that the said Receiver at the time of the delivery of said deed or deeds, should make, execute and deliver to such purchasers, their successors and assigns, a good and sufficient deed or deeds conveying any and all property of the defendant railway company vested in or standing in the name of said Receiver, or to which said Receiver had in any manner acquired title as such; and

WHEREAS, said purchasers have in all respects complied with the provisions of said decree confirming said sale, and have delivered to said Special Master the entire issue of \$2,308,000. par value of said first mortgage bonds; and

WHEREAS, the form of this deed was submitted to said Court and filed with the Clerk thereof, and approved in and by said decree confirming said sale;

NOW THEREFORE, this Indenture Witnesseth, that the said Marshall E. Johnson, as Special Master as aforesaid, party of the first part to these presents, in order to carry out said sale made by him as aforesaid to the parties hereto of the fifth part, and in pursuance of the aforesaid decree of foreclosure and sale, and the aforesaid decree confirming said sale, and in conformity to law and in consideration of the premises, and of the sum of one million, five hundred thousand dollars, the amount bid at such sale of which \$50,000 was paid in cash, and the balance by the delivery of said \$2,308,000. par value of said first mortgage bonds to be credited as aforesaid, the receipt of which consideration is hereby acknowledged, has granted, bargained, sold, assigned, conveyed and confirmed, and by these presents doth grant, bargain, sell, assign, convey and confirm unto the said Henry Budge, Charles A. Peabody, Junior, and Henry de Coppet, as joint tenants and not as tenants in common, and their successors, survivors and survivor, and the heirs of such survivor in fee simple forever, all and singular the railroads, property and franchises in and by said decree of August 6th, 1898, directed or authorized to be sold, the same being described as follows:

ALL that line of railway in the State of Colorado extending from the City of Denver to Morrison at the Bear Creek Canon and also to and through the Platte Canon and by the most feasible route to the South Park, and thence to or near the town of South Park to the Salt Springs, and thence across the valley of the Arkansas River and through the Ponca Pass and across the San Luis valley to or near the town of Del Norte, and thence by the most feasible route to the San Juan mining district in southwestern Colorado, and thence to the Pacific Ocean with branches to Morrison and to Summit County, and thence by way of the Middle Park to the Pacific Ocean, and also to Dudley and Horshoe and to the head of the Arkansas valley in Lake County in the said State. And also an extension of the said railway starting from the most eligible point on the line of said railway in the valley of the Arkansas River and running thence by the most feasible route over the Saguache range of mountains to the confluence of the Quartz Creek and the Tomichi River and thence down the valley of said Tomichi River to the Gunnison River, and thence by the most feasible route to Ouray on the Uncompahgre River with a branch to Lake City and with a branch running up the Ohio Creek to the coal



and silver mining districts in the Elk Mountains. And also an extension of the said railway from the most eligible and feasible point on the Ouray extension of said railway in the Uncompahgre valley and thence by the most eligible and feasible route by the way of the waters of the San Miguel River and the Dolores River thence to a point on the western boundary line or the southern boundary line of Colorado and within a distance of twenty miles from the southwestern corner of said State, this extension to be designated as the Arizona Extension of said railway. And also an extension of the said railway from the terminus of the branch thereof which runs up Ohio Creek to the Elk Mountains coal fields and thence by the most feasible route down the north fork of the Gunnison River to the Grand River, and thence by the most eligible and feasible route to the western boundary line of the State of Colorado with a branch from the most feasible point on the line of said railway to and down the Roaring Fork of the Grand River, this extension or branch or branches of said railway to be designated as the Utah Extension of said railway. And also extensions and branches of the said railway in the same State from some eligible point or points on the line or lines or branches of the said railway or from Denver to Colorado Springs, Canon City, Silver Cliff and Rosita in the several Counties of Arapahoe, Jefferson, Douglas, Park, El Paso, Pueblo, Fremont and Custer and connecting the lines of the said railway and branches at a point or points by a branch or branches with the main line or other branches of said railway. And also a branch of said railway from a point on the Tomichi River up and along and near to Cochetopa Creek by the most eligible route in the Counties of Gunnison and Saguache to the Town of Saguache. And also a branch from the line of the said road on Ohio Creek by the most eligible route to Crested Butte in Gunnison County, and extending the Dudley Branch of said railway by way of the Hoosier Pass to the Town of Breckenridge through the Counties of Park and Summit. And also such other railways and branch railways as may hereafter be constructed by the railway company in connection with the above named railways and lines. And also all that line of railway or railways in the State of Colorado extending from some point on the aforesaid railway in the County of Summit by way of Eagle and Grand River Valleys to Glenwood Springs in the County of Garfield, and thence by the most feasible route to the western boundary line of the State of Colorado. And also all that line of railway in the same State extending from the valley of the South Platte River by way of Tarryall Creek and the Town of Fairplay and Weston's Pass (or Sacramento Creek) and Leadville in the County of Lake, to Aspen in the County of Pitkin, and thence westward to or near Glenwood Springs. And also all that line of railway from Como in Park County by Boreas to Breckenridge and on to Keystone by Dillon in Summit County, and thence up the valley of the Snake River over Loveland Pass or Argentine Pass, to Graymont and Georgetown in Clear Creek County, and from Dillon in Summit County down the valley of the Blue River to its mouth, and thence across the valley of the Grand River to the valley of Muddy Creek and to the valley of Troublesome Creek, and thence up one or both of said valleys to the Muddy Pass near Whitley's Peak, and thence by the most feasible route to the North Park and a connection with the Union Pacific Railway and from the mouth of the Blue River in the Grand River Valley by the most feasible route to the western and



northern boundaries of the State and to or near Dotson in the Grand River Valley.

Also a line of railway from the Town of Gunnison to the western boundary line of the State of Colorado. Also from a point at or near the Town of Schwanders by way of the valley of the Arkansas River to the City of Leadville, Colorado. Also from a point in the Gunnison River Valley by the most feasible route to the coal fields in Gunnison County, Colorado. Also from a point in the Gunnison River Valley by the most feasible route to the Towns of Lake City and Silverton, Colorado, in San Juan County. Also all those lines of railway from any feasible point or points on any of the lines of railway hereinbefore mentioned to such other point or points in said State of Colorado as the railway company may elect or determine to build or acquire by virtue of its articles of incorporation or any amendments thereof.

Which main line and branches already constructed are together three hundred and twenty four miles and fifty-four one-hundredths of a mile long. And also all and singular the branches and extensions of the said railways that the said railway company has heretofore constructed or acquired. And also all and singular the lands, rights of way and real and leasehold estate acquired by the railway company and used or intended to be used for the line of the said railway or any branch or extensions thereof or for the purposes of stations, warehouses,, machine shops, buildings, structures, approaches and works or otherwise in connection with or for any purposes of such railway branch or extension. And also all and singular the engines, cars, rolling stock, equipment, machinery, tools, implements, materials, furniture, fuel, supplies and other chattels belonging to or hereafter to be acquired by the railway company and in any way appertaining to the said railway or any branch or extension thereof or to the working of the same, excepting, however, certain tools and machinery transferred from the Gunnison shops at Denver to the shops of The Union Pacific Railway Company at Denver, in or about the month of December, 1891, of the then estimated value of \$9,063.50 and now held by said The Union Pacific Railway Company or its successor in ownership. And also all and singular the franchises rights and privileges that the Railway Company now has or may hereafter acquire for or in respect of the said railway or any branch or extension thereof, or the construction, maintenance, improvement, working or use of the same, together with all stations, warehouses, machine shops, bridges, buildings, structures, approaches, works, privileges, easements and appurtenances to or with the said premises or any part appertaining or enjoyed.

And also of all the railways and property constructed or acquired by Frank Trumbull as Receiver herein.

The said railways and other property hereby conveyed being those now in possession of and operated by the said Frank Trumbull as Receiver as aforesaid.

Subject, however, to the express condition that the purchasers and their successors or assigns, as part consideration and purchase price of the property purchased, and in addition



to the sum bid therefor and paid, shall pay, satisfy and discharge any unpaid compensation which has been or shall be allowed to the Receiver in this cause or his solicitor, and any unpaid indebtedness or liability of the Receiver incurred in the management or operation of the mortgaged premises since August 7th, 1894, which is either established or unquestioned at the date of the delivery of this deed, and also all unpaid indebtedness and obligations, if any such there be, which have been legally contracted or incurred by the Receiver in this cause, in the operation or on account of the property embraced in said mortgage of The Denver, Leadville and Gunnison Railway Company at any time before said property shall be delivered to said purchasers; and the right is reserved to said Court and it retains power and jurisdiction to take back and re-sell the mortgaged property in case the purchasers, their successors or assigns, fail to pay any of said claims when by it required, and in case they fail to pay any other part of the purchase price of said property. To have and to hold all and singular the above mentioned and described railroad, property, rights and franchises hereby conveyed unto the said Henry Budge, Charles A. Peabody, Junior, and Henry de Coppet as joint tenants and not as tenants in common, and to their successors survivors and survivor, and the heirs of the survivor in fee simple forever.

And this Indenture further Witnesseth, that the said Frank Trumbull, as Receiver as aforesaid, party of the second part hereto, for and in consideration of the premises, and of the consideration paid by the said parties of the fifth part, and in pursuance of said decree of said Court confirming such sale, has bargained, sold, assigned, transferred and conveyed, and by these presents doth bargain, sell, assign, transfer and convey unto the said parties of the fifth part, as joint tenants and not as tenants in common, and their successors, survivors and survivor, and the heirs of the survivor, any and all property of said The Denver, Leadville and Gunnison Railway Company vested in or standing in the name of said Receiver or to which said Receiver has in any manner acquired title as such. To have and to hold all and singular the said property, real and personal, unto the said parties of the fifth part as joint tenants and not as tenants in common, and to their successors, survivors and survivor and the heirs of the survivor forever.

AND this Indenture further Witnesseth, that said The American Loan and Trust Company, party of the third part hereto, as Trustee under said first mortgage dated August first, 1889, described in said decrees, for and in consideration of the premises, and of the consideration so as aforesaid paid by said parties of the fifth part, and in pursuance of the said decrees of said Court, has conveyed, transferred and released, and hereby does convey, transfer and release to said parties of the fifth part, as joint tenants and not as tenants in common, and their successors, survivors and survivor, and the heirs of the survivor, the said railroads, property and franchises hereinbefore described and conveyed by the party hereto of the first part, and all the right, title and interest of said The American Loan and Trust Company under the said first mortgage or in or to said railroads, property and franchises. To have and to hold all and singular the said property, real and per-



sonal, unto the said parties of the fifth part as joint tenants and not as tenants in common, and to their successors, survivors and survivor and the heirs of the survivor forever.

AND this Indenture further Witnesseth, that said The Denver, Leadville and Gunnison Railway Company, party of the fourth part hereto, for and in consideration of the premises, and of the consideration so as aforesaid paid by the parties of the fifth part, and in pursuance of said decrees of said Court, has conveyed and released, and hereby conveys and releases unto the said parties of the fifth part, as joint tenants and not as tenants in common, and their successors, survivors and survivor, and the heirs of the survivor, all the railroads, property and franchises hereinbefore described and hereby conveyed by the party of the first part. To have and to hold all and singular the said railroad property and franchises unto the said parties of the fifth part as joint tenants and not as tenants in common, and to their successors, survivors and survivor and the heirs of the survivor forever.

IN WITNESS WHEREOF, the parties hereto of the first and second parts have hereunto set their hands and seals, and the parties of the third and fourth parts have caused these presents to be signed by their respective officers thereto duly authorized, and their respective corporate seals to be hereunto affixed and attested by their respective Secretaries the day and year first above written.

Signed, sealed and delivered  
in the presence of

Marshall E. Johnson, (Seal)  
Special Master

E. E. Whitted,  
J. F. Vaile  
As to Marshall E. Johnson  
and Frank Trumbull.

Frank Trumbull, (Seal)  
Receiver

(Seal)

American Loan and Trust Company,  
by S. E. Peabody,  
President

Attest:

N.W. Jordan, Actuary.

(Seal)

The Denver, Leadville and Gunnison  
Railway Company,  
by Oliver W. Mink,  
Second Vice President

Attest:

Alex. Millar, Secretary.

As to Oliver W. Mink  
and Alex. Millar:  
Charles J. Hoehnle,  
Herbert S. Bradt.



State of Colorado, {  
County of Arapahoe. { ss.

I, John E. Lowe, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Marshall E. Johnson, Special Master, who is personally known to me to be the person whose name is subscribed to the foregoing deed, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument of writing as his free and voluntary act, as such Special Master as aforesaid, for the uses and purposes therein set forth.

Given under my hand and seal this seventeenth day of December, 1898.

My commission expires Oct. 9th, 1901.

(Seal)

Jno. E. Lowe,  
Notary Public.

State of Colorado, {  
County of Arapahoe. { ss.

I, John E. Lowe, a Notary Public in and for said County, in the State aforesaid, do hereby certify that Frank Trumbull, as Receiver, who is personally known to me to be the person whose name is subscribed to the foregoing deed, appeared before me this day in person and acknowledged that he signed, sealed and delivered the said instrument of writing as his free and voluntary act, as such Receiver as aforesaid, for the uses and purposes therein set forth.

Given under my hand and seal, this seventeenth day of December, A.D., 1898.

My Commission expires Oct. 9th, 1901.

(Seal)

Jno. E. Lowe,  
Notary Public.



Commonwealth of Massachusetts, {  
County of Suffolk. { ss.

On this ninth day of December, in the year 1898, before me personally came S. Endicott Peabody, to me known, who, being by me duly sworn, did depose and say, that he resided in the City of Salem in said Commonwealth; that he is the President of The American Loan and Trust Company, the corporation described in and which executed the above instrument; that he knew the seal of said corporation; that the seal affixed to said instrument was such corporate seal; that it was so affixed by order of the Board of Trustees of said Corporation, and that he signed his name thereto by like order.

Given under my hand and seal the day and year above noted.

(Seal) William A. Sargent,  
Notary Public

My commission as Notary Public expires Oct. 15, 1903.

(Seal) William A. Sargent,  
Notary Public.

State of New York, {  
County of New York. { ss.

On this 14th day of December, in the year 1898, before me personally came Oliver W. Mink, to me known, who, being by me duly sworn, did depose and say, that he resided in the City of Boston, Mass., that he is the Second Vice President of The Denver, Leadville and Gunnison Railway, the corporation described in, and which executed the above instrument; that he knew the seal of said corporation; that the seal affixed to said instrument was such corporate seal; that it was so affixed by order of the Executive Committee of the Board of Directors of said corporation, and that he signed his name thereto by like order.

Given under my hand and seal, this 14th day of December, 1898.

My commission expires March 30th, 1900.

(Seal) Charles J. Hoehnle,  
Notary Public, Kings County,  
Certificate Filed in N.Y. Co.

(\$1500. worth of Documentary U.S. Internal Revenue Stamps  
attached and cancelled)



The foregoing Instrument is recorded in the following Counties in which the property covered by said Instrument, is located, as follows:

Summit County, Colorado: Filed for record at 5:00 o'clock P.M. February 21st, 1899, and is recorded in Book 79 Page 380

Jefferson County, Colorado: Filed for record at 4:10 P.M., February 4th, 1899, and is recorded in Book 98, Page 557

El Paso County, Colorado: Filed for record February 6th, 1899, at 1:16 P.M., and is recorded in Book 283, Page 542  
278

Douglas County, Colorado: Filed for record at 6:10 P.M., February 8th, 1899, and is recorded in Book 23, Page 168

Lake County, Colorado: Filed for record at 8:55 o'clock P.M. February 11th, 1899, and is recorded in Book 151 Page 168

Arapahoe County, Colorado: Filed for record at 11:00 o'clock A.M., February 9th, 1899, and is recorded in Book 1247, Page 513.

(Arapahoe County includes present Counties of Arapahoe and Adams, and also City and County of Denver)

Chaffee County, Colorado: Filed for record at 8:00 o'clock A.M., February 13th, 1899, and is recorded in Book 87, Page 499

Gunnison County, Colorado: Filed for record at 1:50 o'clock P.M., and is recorded in Book 130, Page 550 Feb 14, 1899.

Park County, Colorado: Filed for record at 10:10 o'clock A.M., February 18th, 1899, and is recorded in Book 63, Page 220.

# **EXHIBIT 9**

2916.

STATE OF NEW YORK )  
                          ) SS  
COUNTY OF NEW YORK)

On this seventh day of January, 1899, before me, John French, a Notary Public, in and for the County and State aforesaid, duly commissioned and sworn personally appeared Edwin T Rice, Jr., and Harry Bronner, personally known to me to be the president and an assistant secretary of The Colorado and Southern Railway Company, and to be the persons named and described in and who executed the foregoing instrument for and on behalf of said Railway Company, and they severally acknowledged to me that they, as such president and assistant secretary, respectively, of said The Colorado and Southern Railway Company, executed the same as its act and deed, freely and voluntarily, and for the uses and purposes and considerations therein stated; and the said Edwin T Rice, Jr., and Harry Bronner also made oath and said that they were at the time of the execution of said instrument the president and assistant secretary of said The Colorado and Southern Railway Company; that the seal affixed to the foregoing instrument is the corporate seal of said Railway Company, and that said seal was so attached thereto, and that they signed the said instrument by authority of the board of directors of said Railway Company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

My Commission expires March 30, 1899.

John French,  
Notary Public  
New York

(L.S.)

*Tammy*

(332W)

On motion,

the same was in all things approved, and the proper officers of the Company authorized and directed, in the name of the Company and under its corporate seal, to execute said bill of sale.

The conveyance to this Company recited in said agreement, made by Charles A. Peabody, Henry Budge and Henry de Coppet, the purchasers of the property of The Denver, Leadville and Gunnison Railway Company, was laid before the board:



THIS INDENTURE,, made the twenty-eighth day of December, in the year one thousand eight hundred and ninety-eight, between HENRY BUDGE,, CHARLES A. PEABODY, JUNIOR,, and HENRY DE COPPET,, all of the City, County and State of New York, parties of the first part and THE COLORADO AND SOUTHERN RAILWAY COMPANY, a corporation created by and existing under the laws of the State of Colorado, party of the second part,

WITNESSETH:

That the parties of the first part,, in consideration of the sum of one dollar, lawful money of the United States, and other good and valuable considerations, to the parties of the first part in hand paid by Henry Budge, J Kennedy Tod and Edward C Henderson, the receipt of which consideration is hereby acknowledged, have, at the request of said Budge, Tod and Henderson, granted, bargained, sold, assigned, conveyed and confirmed, and by these presents do grant, bargain, sell, assign, convey and confirm, unto the said party of the second part, its successors and assigns, all and singular the railroads, property and franchises described as follows:

All that line of railway in the State of Colorado extending from the City of Denver to Morrison at the Bear Creek Canon and also to and through the Platte Canon and by the most feasible route to the South Park and thence to or near the town of South Park and to the Salt Springs and thence across the valley of the Arkansas River and through the Ponca Pass and across the San Luis Valley to or near the town of del Norte and thence by the most feasible route to the San Juan mining district in southwestern Colorado and thence to the Pacific Ocean with branches to Morrison and to Summit County and thence by way of Middle Park to the Pacific Ocean and also to Dudley and Horseshoe and to the head of the Arkansas valley in Lake County in said State. And also an extension of the said railway <sup>starting</sup> from



the most eligible point on the line of said railway in the valley of the Arkansas River and ~~and~~ running thence by the most feasible route over the Saguache range of mountains to the confluence of the Quartz Creek and the Tomichi River and thence down the valley of said Tomichi River to the Gunnison River and thence by the most feasible route to Ouray on the Uncompahgre River with a branch to Lake City and with a branch running up the Ohio Creek to the coal and silver mining districts in the Elk Mountains.. And also an extension of said railway from the most eligible and feasible point on the Ouray extension of said railway in the Uncompahgre valley and thence by the most eligible and feasible route by the way of the waters of the San Miguel River and the Dolores River thence to a point on the western boundary line or the southern boundary line of Colorado and within a distance of twenty miles from the southwestern corner of said State, this extension to be designated as the ~~Arkansas~~ <sup>Arizona</sup> Extension of said railway. And also an extension of said railway from the terminus of the branch thereof which runs up Ohio Creek to the Elk Mountains coal fields and thence by the most feasible route down the North Fork of the Gunnison River to the Grand River and thence by the most eligible and feasible route to the western boundary line of the State of Colorado with a branch from the most feasible point on the line of said railway to and down the Roaring Fork of the Grand River this extension or branch or branches of said railway to be designated as the Utah Extension of said railway. And also extensions and branches of the said railway in the same State from some eligible point or points on the line or lines or branches of the said railway or from Denver to Colorado Springs Canon City Silver Cliff and Rosita in the several Counties of Arapahoe Jefferson Douglas Park El Paso Pueblo Fremont and Custer and connecting lines of the said railway

and branches at a point or points by a branch or branches with the main line or other branches of said railway. And also a branch of said railway from a point on the Tomichi River up and along and near to Cochetopa Creek by the most eligible route in the Counties of Gunnison and Saguache to the Town of Saguache. And also a branch from the line of the said road on Ohio Creek by the most eligible route to Crested Butte in Gunnison County and extending the Dudley Branch of said railway by way of the Hoosier Pass to the Town of Breckenridge through the Counties of Park and Summit. And also such other railways and branch railways as may hereafter be constructed by the railway company in connection with the above-named railways and lines. And also all that line of railway or railways in the State of Colorado extending from some point on the aforesaid railway in the County of Summit by way of Eagle and Grand River Valleys to Glenwood Springs in the County of Garfield and thence by the most feasible route to the western boundary line of the State of Colorado. And also all that line of railway in the same State extending from the valley of the South Platte River by way of Tarryall Creek and the Town of Fairplay and Weston's Pass (or Sacramento Creek) and Leadville in the County of Lake to Aspen in the County of Pitkin and thence westward to or near Glenwood Springs. And also all that line of railway from Como in Park County by Boreas to Breckenridge and on to Keystone by Dillon in Summit County and thence up the valley of the Snake River over Loveland Pass or Argentine Pass to <sup>Traymont</sup> ~~Greystone~~ and Georgetown in Clear Creek County and from Dillon <sup>in</sup> ~~to~~ Summit County down the valley of the Blue River to its mouth and thence across the valley of the Grand River to the valley of Muddy Creek and to the valley of Troublesome Creek and thence up one or both of said valleys to the Muddy Pass near Whitney's Peak and thence by the most feasible



route to the North Park and a connection with the Union Pacific Railway from the mouth of the Blue River in the Grand River Valley by the most feasible route, to the western and northern boundaries of the State and to or near Dotson in the Grand River Valley.

Also a line of railway from the Town of Gunnison to the western boundary line of the State of Colorado. Also from a point at or near the Town of Schwanders by way of the valley of the Arkansas River to the City of Leadville, Colorado. Also from a point in the Gunnison River Valley by the most feasible route to the coal fields in Gunnison County, Colorado. Also from a point in the Gunnison River Valley by the most feasible route to the Towns of Lake City and Silverton, Colorado, in San Juan County. Also all those lines of railway from any feasible point or points on any of the lines of railway hereinbefore mentioned to such <sup>other</sup> point or points in said State of Colorado as the railway company may elect or determine to build or acquire by virtue of its articles of incorporation or any amendments thereof.

Which main line and branches already constructed are together three hundred and twenty-four miles and fifty-four one hundredths of a mile long. And also all and singular the branches and extensions of the said railways that the said railway company has heretofore constructed or acquired. And also all and singular the lands rights of way and real and leasehold estate acquired by the railway company and used or intended to be used for the line of said railway or any branch or extension thereof or for the purpose of stations warehouses machine shops buildings structures approaches and works or otherwise in connection with or for any purpose of such railway branch or extension. And also all and singular the engines cars rolling stock equipment machinery tools implements materials furniture fuel supplies and other chattels belonging to or hereafter to be acquired by the railway company and in any way appertaining to the said railway or any branch or extension thereof or to the

working of the same, excepting, however certain tools and machinery transferred from the Gunnison Shops at Denver to the shops of the Union Pacific Railway Company at Denver in or about the month of December, 1891, of the then estimated value of \$9,068.50, and now held by said The Union Pacific Railway Company or its successor in ownership. And also all and singular the franchises, rights and privileges that the Railway Company now has or may hereafter acquire for or in respect of the said railway or any branch or extension thereof or the construction maintenance improvement working or use of the same together with all stations ware houses machine shops bridges buildings structures approaches works privileges easements and appurtenances to or with the said premises or any part appertaining or enjoyed.

And also all the railways and property constructed or acquired by Frank Trumbull as Receiver of The Denver, Leadville and Gunnison Railway Company.

Being the same railroads, property and franchises that were conveyed to the parties hereto of the first part, as joint tenants and not as tenants in common, by deed bearing date the ninth day of December, in the year one thousand eight hundred and ninety-eight, made by Marshall E Johnson, as Special Master, in a cause in equity pending in the Circuit Court of the United States for the District of Colorado, wherein The American Loan and Trust Company was complainant and The Denver, Leadville and Gunnison Railway Company and others were defendants, party of the first part; Frank Trumbull, as Receiver of the property of The Denver, Leadville and Gunnison Railway Company, appointed by said Court in said cause, party of the second part; The American Loan and Trust Company, party of the third part, and The Denver, Leadville and Gunnison Railway Company, party of the fourth part: To have and to hold all and singular the above-mentioned and described railroads, property, rights and franchises

hereby conveyed unto said The Colorado and Southern Railway Company,  
its successors and assigns, forever.

IN WITNESS WHEREOF, the parties hereto of the first part  
have hereunto set their hands and seals the day and year  
first above written.

Signed sealed and delivered)  
in the presence of )

Henry C Kennedy

Henry Budge (L.S.)  
Charles A Peabody Jr (L.S.)  
Henry de Coppet (L.S.)



STATE OF NEW YORK )  
COUNTY OF NEW YORK ) SS

I, HENRY C. KENNEDY, a Notary Public in and for said County in the State aforesaid, do hereby certify that Henry Budge, Charles A Peabody, Junior, and Henry de Coppet, who are personally known to me to be the persons whose names are subscribed to the foregoing deed, appeared before me in person as follows, viz: the said Henry Budge on December 29th, 1898, the said Henry de Coppet on December 29th, 1898, and the said Charles A Peabody, Junior, on December 30th, 1898--and severally acknowledged to me that they signed, sealed and delivered the said instrument in writing as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and seal this thirtieth day of December, A. D., one thousand eight hundred and ninety-eight.

My commission expires March 30th, 1900.

Henry C Kennedy

Notary Public

(SEAL)

Kings Co.

Cert. filed N. Y. Co.

(12554)

On motion,

the same was in all things approved.

form of first mortgage to be made by this Company in pursuance of said agreement, and which had been approved by said purchasers and by said Reorganization Committee as therein recited, and in which is set out a form of first mortgage bond, was laid before the board:

# **EXHIBIT 10**



12-28-98  
1247-521

C O P Y

D E E D

Henry Budge, Charles A. Peabody, Junior and Henry de Coppet,

All of the City, County and State of New York

T O

The Colorado and Southern Railway Company

COPY.

THIS INDENTURE, made the twenty-eighth day of December, in the year one thousand eight hundred and ninety-eight between Henry Budge, Charles A. Peabody, Junior, and Henry de Coppet, all of the City, County and State of New York, parties of the first part, and The Colorado and Southern Railway Company, a corporation created by and existing under the laws of the State of Colorado, party of the second part,

WITNESSETH

That the parties of the first part, in consideration of the sum of one dollar lawful money of the United States, and other good and valuable considerations, to the parties of the first part in hand paid by Henry Budge, J. Kennedy Tod and Edward C. Henderson, the receipt of which consideration is hereby acknowledged, have at the request of said Budge, Tod and Henderson, granted, bargained, sold, assigned, conveyed and confirmed, and by these presents do grant, bargain, sell, assign, convey and confirm unto the said party of the second part, its successors and assigns, all and singular the railroads, property and franchises described as follows:

ALL that line of railway in the State of Colorado, extending from the City of Denver to Morrison at the Bear Creek Canon and also to and through the Platte Canon and by the most feasible route to the South Park, and thence to or near the town of South Park and to the Salt Springs/ and thence across the valley of the Arkansas River and through the Ponca Pass and across the San Luis valley to or near the town of Del Norte, and thence by the most feasible route to the San Juan mining district in southwestern Colorado, and thence to the Pacific Ocean with branches to Morrison



and to Gunnison County and thence by way of the Middle Park to the Pacific Ocean and also to Dudley and Horshoe and to the head of the Arkansas valley in Lake County in the said State. And also an extension of the said railway starting from the most eligible point on the line of said railway in the valley of the Arkansas River and running thence by the most feasible route over the Saguache range of mountains to the confluence of the Quartz Creek and the Tomichi River and thence down the valley of said Tomichi River to the Gunnison River and thence by the most feasible route to Ouray on the Uncompahgre River with a branch to Lake City and with a branch running up the Ohio Creek to the coal and silver mining districts in the Elk Mountains. And also an extension of the said railway from the most eligible and feasible point on the Ouray extension of said railway in the Uncompahgre valley and thence by the most eligible and feasible route by the way of the waters of the San Miguel River and the Dolores River thence to a point on the western boundary line or the southern boundary line of Colorado and within a distance of twenty miles from the southwestern corner of said State, this extension to be designated as the Arizona Extension of said railway. And also an extension of the said railway from the terminus of the branch thereof which runs up Ohio Creek to the Elk Mountains coal fields and thence by the most feasible route down the North Fork of the Gunnison River to the Grand River and thence by the most eligible and feasible route to the western boundary line of the State of Colorado with a branch from the most feasible point on the line of said railway to and down the Roaring Fork of the Grand River, this extension or branch or branches of said railway to be designated as the Utah Extension of said railway. And also extensions and branches of the said railway in the



same State from some eligible point or points on the line or lines or branches of the said railway or from Denver to Colorado Springs, Canon City, Silver Cliff and Rosita in the several Counties of Arapahoe, Jefferson, Douglas, Park, El Paso, Pueblo, Fremont and Custer and connecting the lines of the said railway and branches at a point or points by a branch or branches with the main line or other branches of said railway. And also a branch of said railway from a point on the Tomichi River up and along and near to Cochetopa Creek by the most eligible route in the Counties of Gunnison and Saguache to the Town of Saguache. And also a branch from the line of the said road on Ohio Creek by the most eligible route to Crested Butte in Gunnison County, and extending the Dudley Branch of said railway by way of the Hoosier Pass to the Town of Breckenridge through the Counties of Park and Summit. And also such other railways and branch railways as may hereafter be constructed by the railway company in connection with the above named railways and lines. And also all that line of railway or railways in the State of Colorado extending from some point on the aforesaid railway in the County of Summit by way of Eagle and Grand River Valleys to Glenwood Springs in the County of Garfield, and thence by the most feasible route to the western boundary line of the State of Colorado. And also all that line of railway in the same State extending from the valley of the South Platte River by way of Tarryall Creek and the town of Fairplay and Weston's Pass (or Sacramento Creek) and Leadville, in the County of Lake to Aspen in the County of Pitkin and thence westward to or near Glenwood Springs. And also all that line of railway from Como in Park County by Boreas to



Breckenridge and on to Keystone by Dillon in Summit County and thence up the valley of the Snake River over Loveland Pass or Argentine Pass to Graymont and Georgetown in Clear Creek County, and from Dillon in Summit County down the valley of the Blue River to its mouth, and thence across the valley of the Grand River to the valley of Muddy Creek and to the valley of Troublesome Creek and thence up one or both of said valleys to the Muddy Pass near Whitley's Peak and thence by the most feasible route to the North Park and a connection with the Union Pacific Railway and from the mouth of the Blue River in the Grand River Valley by the most feasible route, to the western and northern boundaries of the State and to or near Dotson in the Grand River Valley.

Also a line of railway from the Town of Gunnison to the western boundary line of the State of Colorado. Also from a point at or near the town of Schwanders by way of the valley of the Arkansas River to the City of Leadville, Colo. Also from a point in the Gunnison River Valley by the most feasible route to the coal fields in Gunnison County, Colo. Also from a point in the Gunnison River Valley by the most feasible route to the towns of Lake City and Silverton, Colo., in San Juan County. Also all those lines of railway from any feasible point or points on any of the lines of railway hereinbefore mentioned to such other point or points in said State of Colorado as the railway company may elect or determine to build or acquire by virtue of its articles of incorporation or any amendments thereof.

Which main line and branches already constructed are together three hundred and twenty-four miles and fifty-four one hundredths of a mile long. And also all and singular the branches and extensions of the said railways that the said railway



company has heretofore constructed or acquired. And also all and singular the lands, rights of way and real and leasehold estate acquired by the railway company and used or intended to be used for the line of the said railway or any branch or extension thereof or for the purposes of stations, warehouses, machine shops, buildings, structures, approaches and works or otherwise in connection with or for any purposes of such railway branch or extension. And also all and singular the engines, cars, rolling stock, equipment, machinery, tools, implements, materials, furniture, fuel, supplies and other chattels belonging to or hereafter to be acquired by the railway company and in any way appertaining to the said railway or any branch or extension thereof or to the working of the same, excepting, however, certain tools and machinery transferred from the Gunnison shops at Denver to the shops of The Union Pacific Railway Company at Denver in or about the month of December, 1891, of the then established value of \$9,063.50, and now held by said The Union Pacific Railway Company or its successors in ownership. And also all and singular the franchises, rights and privileges that the Railway Company now has or may hereafter acquire for or in respect of the said railway or any branch or extension thereof or the construction, maintenance, improvement, working or use of the same together with all stations, warehouses, machine shops, bridges, buildings, structures, approaches, works, privileges, easements and appurtenances to or with the said premises or any part appertaining or enjoyed.

And also of all the railways and property constructed or acquired by Frank Trumbull as Receiver of the Denver, Leadville and Gunnison Railway Company.



Being the same railroads, property and franchises that were conveyed to the parties hereto of the first part, as joint tenants and not as tenants in common, by deed, bearing date the ninth day of December, in the year one thousand eight hundred and ninety-eight, made by Marshall E. Johnson, as Special Master, in a cause in equity pending in the Circuit Court of the United States for the District of Colorado, wherein The American Loan and Trust Company was complainant and The Denver, Leadville and Gunnison Railway Company and others were defendants, party of the first part, Frank Trumbull, as Receiver of the property of The Denver, Leadville and Gunnison Railway Company, appointed by said Court in said cause, party of the second part, The American Loan and Trust Company, party of the third part, and The Denver, Leadville and Gunnison Railway Company, party of the fourth part: To have and to hold all and singular the above mentioned and described railroads, property, rights and franchises hereby conveyed unto said The Colorado and Southern Railway Company, its successors and assigns forever.

IN WITNESS WHEREOF, the parties hereto of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered  
in the presence of  
'First page 20th line "through"  
interlined before execution'

(Sgn) Henry Budge, Seal

(Sgn) Charles A. Peabody, Jr., Seal

(Sgn) Henry C. Kennedy.

(Sgn) Henry de Coppet Seal



State of New York, {  
 County of New York. { ss.

I, Henry C. Kennedy, a Notary Public in and for said County in the State aforesaid, do hereby certify that Henry Budge, Charles A. Peabody, Junior, and Henry de Coppet, who are personally known to me to be the persons whose names are subscribed to the foregoing deed, appeared before me in person as follows, viz: The said Henry Budge, on December 28th, 1898; the said Henry de Coppet on December 29th, 1898, and the said Charles A. Peabody, Junior, on December 30, 1898, and severally acknowledged to me that they signed, sealed and delivered the said instrument in writing as their free and voluntary act for the uses and purposes herein set forth.

Given under my hand and seal, this thirtieth day of December, A.D., one thousand eight hundred and ninety-eight.  
 My Commission expires March 30, 1900.

(Sgn) Henry C. Kennedy,

Notary Public, Kings Co.,  
 Cert. filed N.Y. Co.

(SEAL)



State of Colorado }  
County of El Paso } ss

I hereby certify that this instrument was filed for record in my office at 1:20 o'clock p.m. Feb. 6, 1899, and is duly recorded in Book ~~233~~<sup>278</sup>, Page 559.

(Sgn) W. T. Liggitt, Recorder,  
By Mollie Gregory, Deputy.

No. 24152.

State of Colorado }  
County of Douglas } ss

I hereby certify that this instrument was filed for record in my office at 6:15 p.m. on the 8th day of February, 1899, and is duly recorded in Book 23, Page 198-202.

(Sgn) Harry Jones,  
Recorder.

No. 112315.

State of Colorado, {  
County of Lake. { ss.

Filed for record at 8:56 o'clock p.m. February 11, 1899 and duly recorded in Book 184 Page 177.

(Sgn) H. S. Phillips  
Recorder,  
By D. G. Houghton,  
Deputy.

No. 151554.

State of Colorado {  
County of Arapahoe { ss

I hereby certify that this instrument was filed for record in my office at 11:00 o'clock a.m., Feb 9, 1899, and is duly recorded in Book 1247, Page 521.

(Sgn) Jos. H. Smith,  
Recorder,  
By M. Hewitt, Deputy.

Fees \$2.00



No. 59040

State of Colorado }  
County of Chaffee } ss.

I hereby certify that this instrument was filed for record in my office at 8:00 o'clock a.m., Feb. 13, 1899, and is duly recorded in Book 87, Page 507, of the records of Chaffee County.

(Sgn) Wm W Foy  
Recorder.  
By C. L. Craig,  
Deputy.

State of Colorado {  
County of Gunnison { ss

I hereby certify that this instrument was filed for record in my office at 1:50 p.m., Feb. 14, 1899, and is recorded in Book 130, Page 364.

(Sgn) J. E. Brothers,  
County Clerk and Recorder.  
By J. D. Parsons, Jr.,  
Deputy.

'Above filing for record does not include filings of other Counties.'

(Sgn) J. D. Parsons, Jr.,  
Deputy Co. Clerk.

No. 47552.

State of Colorado {  
County of Park { ss

I certify that this instrument was filed for record at 10:12 o'clock a.m., Feb. 18, 1899, in my office, and duly recorded in Book 63, Page No. 228.

(Sgn) J. G. Brooks  
Recorder  
By G. L. Hoime  
Deputy.



State of Colorado {  
County of Summit { ss.

I hereby certify that the within instrument was filed  
for Record in my office at 5:00 o'clock p.m., Feb. 21, 1899,  
and duly recorded in Book 79, Page 390.

(Sgn) W. F. Foreman,  
County Clerk,  
By Geo. F. Foreman,  
Deputy.

No. 55092

State of Colorado {  
County of Jefferson { ss

I hereby certify that this instrument was filed for  
record in my office at 4:20 p.m., February 4th, 1899, and  
recorded in Book 98 on Page 581.

(Sgn) J. C. Wells,  
Recorder.

-----}ooOoo{-----

# **EXHIBIT 11**



CERTIFICATE OF PAYMENT OF THE CAPITAL STOCK

OF

THE COLORADO AND SOUTHERN RAILWAY COMPANY.

---

Know all Men by these Presents, that the undersigned, FRANK TRUMBULL, President of The Colorado and Southern Railway Company, and said FRANK TRUMBULL and HENRY BUDGE, FREDERIC P. OLCOTT, J. KENNEDY TOD, HARRY WALTERS and LUTHER KOUNTZE, a majority of the directors of The Colorado and Southern Railway Company, a corporation duly organized and existing under and by virtue of the laws of the State of Colorado, hereby, pursuant to the statute in such case made and provided, certify as follows :

FIRST. The amount of the capital stock of The Colorado and Southern Railway Company is \$48,000,000, divided into 480,000 shares of \$100 each, of which 85,000 shares are four per cent. non-cumulative first preferred stock; 85,000 shares are four per cent. non-cumulative second preferred stock, and 310,000 shares are common stock.

SECOND. Said stock has all been fully paid and is non-assessable.

THIRD. Said stock has been so paid in, \$5,000 thereof in money, and the residue \$47,995,000 thereof, by the conveyance of certain railroads, telegraph lines, property and franchises, formerly owned and possessed by The Denver, Texas and Gulf Railroad Company, The Denver, Texas and Fort Worth Railroad Company, The Union Pacific, Denver and Gulf Railway Company and The Denver, Leadville and Gunnison Railway Company to said The Colorado and Southern Railway Company, which has been organized under the laws of the State of Colorado, for the purpose of purchasing, maintaining, operating, extending or completing the railroads and telegraph lines formerly owned and possessed by said The Denver, Texas and Gulf Railroad Company, by said The Denver, Texas and Fort Worth Railroad Company, by said The Union Pacific, Denver and Gulf Railway Company, and by said The Denver, Leadville and Gunnison Railway Company, respectively corporations organized under the laws of said State of Colorado, and which had been sold and conveyed, pursuant to judgments or decrees of courts of competent jurisdiction and under and by virtue of the power and authority contained in certain deeds of trust or mortgages respectively foreclosed by said judgments or decrees; and said stock has been so issued in partial payment for the property and franchises so conveyed.

In Witness Whereof, we have hereunto subscribed our names this twenty-third day of January, 1899.

FRANK TRUMBULL,  
*President.*

FRANK TRUMBULL,  
HENRY BUDGE,  
F. P. OLCOTT,  
J. KENNEDY TOD,  
H. WALTERS,  
LUTHER KOUNTZE,  
*Directors.*

STATE OF NEW YORK, }  
COUNTY OF NEW YORK, } ss. :

Personally appeared before me JOHN FRENCH, a Notary Public in and for the County of New York, Frank Trumbull, known to me to be the President of The Colorado and Southern Railway Company, and said Frank Trumbull, Henry Budge, Frederick P. Olcott, J. Kennedy Tod, Harry Walters and Luther Kountze, each being personally known to me to be a director of said corporation, who, being duly sworn by me, each for himself and not for the others, deposed and said, that said Frank Trumbull is the President of The Colorado and Southern Railway Company, and said Frank Trumbull, Henry Budge, Frederic P. Olcott, J. Kennedy Tod, Harry Walters, and Luther Kountze are, respectively, directors of said corporation and comprise a majority of the directors thereof, that he has read for himself the foregoing certificate and knows the contents thereof, and signed the same; and that the facts stated therein are true.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this twenty-seventh day of January, 1899. My commission expires March 30, 1899.

[L. S.]

JOHN FRENCH,  
*Notary Public,*  
New York County, N. Y.



# **EXHIBIT 12**



# LEGEND

## TRACKAGE

- ORG. CENTERLINE (LVL 54)
- ORG. CENTERLINE RADIALS (LVL 54)
- YARD TRKS RY. OWNED (LVL 9)
- YARD TRKS IND. OWNED (LVL 9)

## LAND LINES

- R.O.W. LINES (LVL 18)
- PARCEL LINES (LVL 15)
- DEED\* (LVL 25)
- PCL\* (LVL 25)
- FORMER R/W LINES (LVL 15)
- AREA SOLD (LVL 62)
- EASEMENTS (LVL 18)
- LEASE LINES (LVL 20)
- BASE & MERIDIAN (LVL 19)
- PARRISH & TOWNSHIP (LVL 19)
- SECTION (LVL 19)
- QTY LIMITS (LVL 19)
- BLOCK LINES (LVL 19)
- LOT LINES (LVL 19)
- ROAD CENTERLINES (LVL 30)
- NON-RY PARCELS (LVL 19)
- CULVERT (LVL 34)
- PREDECESSOR RAILROAD (LVL 58)
- STATE (LVL 58)
- VALUATION SECTION (LVL 58)
- VALUATION MAP (LVL 58)

## HAZ. UTILITIES

- LVL 42- RY. CO. OWNED
- LVL 43- IND. CO. OWNED
- FUEL LINE
- GAS LINE
- OIL LINES
- TOX. CHEM. TOXIC CHEMICAL LINES
- TOX. GAS TOXIC GAS LINES
- GAS METER
- GAS VALVE
- HAZ MTL VALVES
- HAZ MTL SUPPORT CLMN

## NON-HAZ. UTILITIES

- AIR LINES
- CABLE TV LINES
- ELECTRIC LINES
- HIGH VOLTAGE ELEC. LINES
- SEWER LINES
- STEAM LINES
- STORM LINES
- TELEPHONE LINES
- WATER LINES
- CATCH BASIN
- FIRE HYDRANT
- SEWER MANHOLE
- SUPPORT COLUMNS
- WATER METER
- WATER VALVE
- FIBER OPTIC LINES (LVL 40)

NOTE: ALL CORPORATE CAD MAP REAL ESTATE INFORMATION MAINTENANCE ENDED 10/13/2016. FOR ALL CHANGES IN REAL ESTATE INFORMATION SEE THE REAL ESTATE GIS APPLICATION

RIGHT OF WAY & TRACK MAP  
THE COLORADO & SOUTHERN RAILWAY CO.  
OPERATED BY  
THE COLORADO & SOUTHERN RAILWAY CO.  
LEADVILLE DISTRICT  
FROM STA 503 + 20.0 TO STA. 558 + 62.0  
SCALE 1" = 200 FT JUNE 30, 1916  
OFFICE OF VALUATION ENGINEER  
DENVER, COLORADO

V Colo 18  
12

C&S RY  
CO-18  
12  
R/W ABANDONED  
DATED 1937

SOLD TO SUMMIT CO. 12/3/42 DEED #3433

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BNSF RAILWAY  
Right of Way and Track Map  
Line Segment 479  
M.P. 109 to M.P. 110  
Formerly C&S RY

SCALE  
0 200 400  
Chief Engineer's Office Sheet 1 of 1 C.E. R80203

Revised: 1/10/2002



# **EXHIBIT 13**



# LEGEND

## TRACKAGE

- ORG. CENTERLINE (LVL 54)
- ORG. CENTERLINE RADIALS (LVL 54)
- YARD TRKS RY. OWNED (LVL 9)
- YARD TRKS IND. OWNED (LVL 9)

## LAND LINES

- R.O.W. LINES (LVL 18)
- PARCEL LINES (LVL 15)
- DEED\* (LVL 25)
- PARCEL NUMBER (LVL 25)
- FORMER R/W LINES (LVL 15)
- AREA SOLD (LVL 62)
- EASEMENTS (LVL 18)
- LEASE LINES (LVL 20)
- BASE & MERIDIAN (LVL 19)
- PARISH & TOWNSHIP (LVL 19)
- SECTION (LVL 19)
- QTY. LIMITS (LVL 19)
- BLOCK LINES (LVL 19)
- LOT LINES (LVL 19)
- ROAD CENTERLINES (LVL 30)
- NON-RY PARCELS (LVL 19)
- CULVERT (LVL 34)
- PREDECESSOR RAILROAD (LVL 58)
- STATE (LVL 58)
- VALUATION SECTION (LVL 58)
- VALUATION MAP (LVL 58)

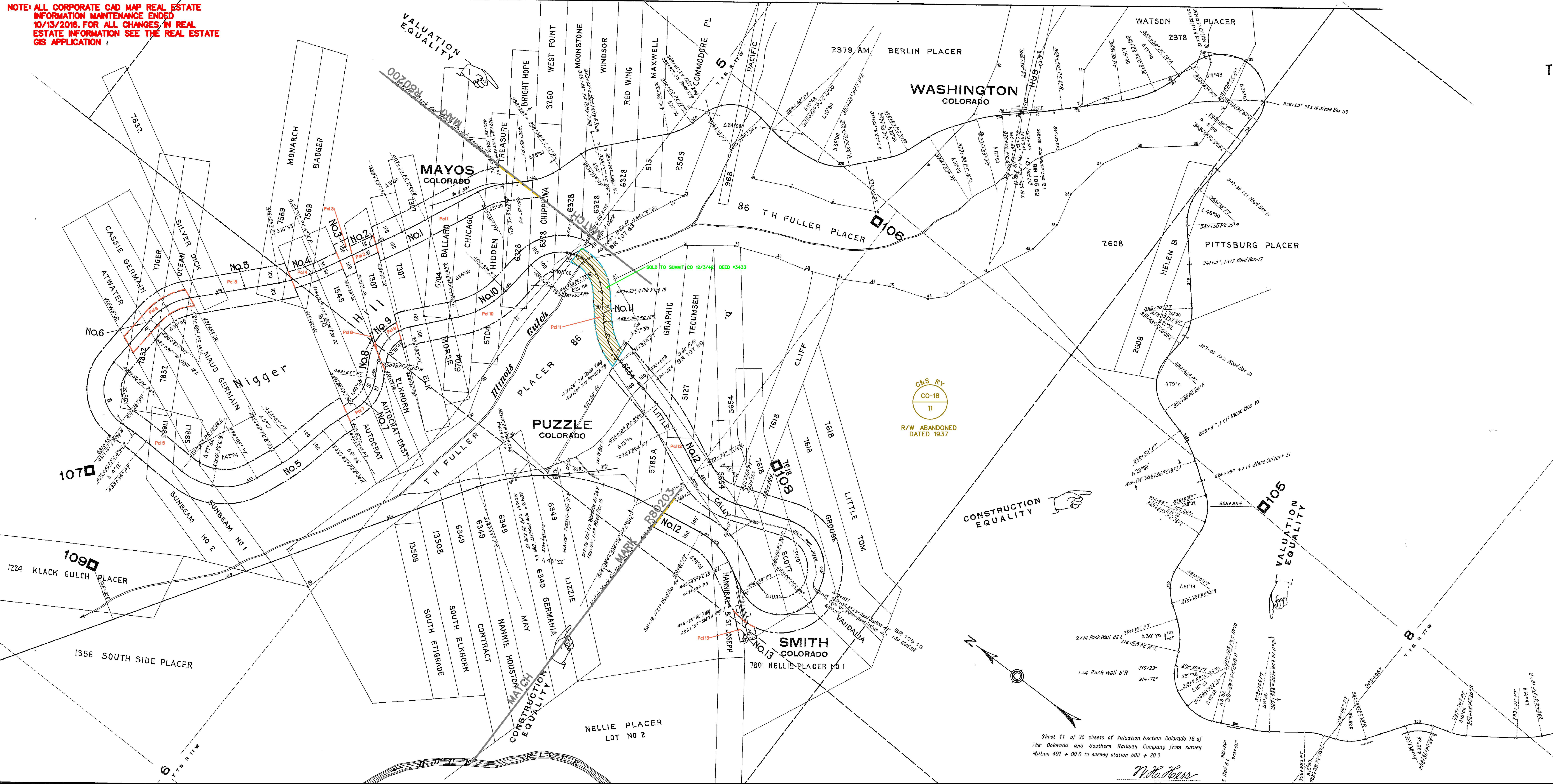
## HAZ. UTILITIES

- LVL 42- RY. CO. OWNED
- LVL 43- IND. CO. OWNED
- FUEL LINE
- GAS LINE
- OIL LINES
- TOX. CHEM. TOXIC CHEMICAL LINES
- TOXIC GAS LINES
- GAS METER
- GAS VALVE
- HAZ. MTL. VALVES
- HAZ. MTL. SUPPORT CLUM

## NON-HAZ. UTILITIES

- LVL 38- RY. CO. OWNED
- LVL 39- IND. CO. OWNED
- AIR LINES
- CABLE TV LINES
- ELECTRIC LINES
- HIGH VOLTAGE ELEC. LINES
- 8" SS- SEWER LINES
- 15" S- STEAM LINES
- 24" ST- STORM LINES
- TELEPHONE LINES
- 8" W- WATER LINES
- C.B. CATCH BASIN
- F.H. FIRE HYDRANT
- S.H. SEWER MANHOLE
- S. SUPPORT COLUMNS
- M. WATER METER
- V. WATER VALVE
- F.B. OPT. FIBER OPTIC LINES (LVL 40)

NOTE: ALL CORPORATE CAD MAP REAL ESTATE INFORMATION MAINTENANCE ENDED 10/13/2016. FOR ALL CHANGES IN REAL ESTATE INFORMATION SEE THE REAL ESTATE GIS APPLICATION



# RIGHT OF WAY & TRACK MAP THE COLORADO & SOUTHERN RAILWAY CO. OPERATED BY THE COLORADO & SOUTHERN RAILWAY CO. LEADVILLE DISTRICT

FROM STA 401 + 00.0 TO STA. 503 + 20.0  
SCALE 1 IN = 200 FT. JUNE 30, 1918  
OFFICE OF VALUATION ENGINEER  
DENVER, COLORADO

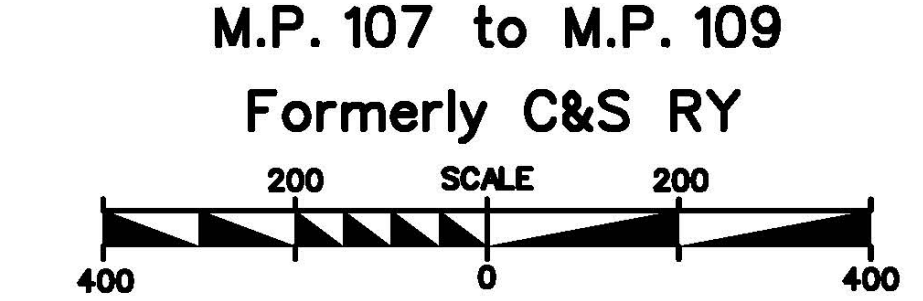
V-Color 11

C&S RY  
CO-18  
11

R/W ABANDONED  
DATED 1937

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# BNSF RAILWAY Right of Way and Track Map Line Segment 479 M.P. 107 to M.P. 109 Formerly C&S RY



R/W ABANDONED  
DATED 1937

Sheet 11 of 36 sheets of Valuation Section Colorado 18 of  
The Colorado and Southern Railway Company from survey  
station 401 + 00.0 to survey station 503 + 20.0

*N.C. Jones*

Revised: 1/10/2002



# **EXHIBIT 14**



# LEGEND

## TRACKAGE

- ORIG. CENTERLINE (LVL 54)
- ORIG. CENTERLINE RADIALS (LVL 54)
- YARD TRKS RY. OWNED (LVL 9)
- YARD TRKS IND. OWNED (LVL 9)

## LAND LINES

- R.O.W. LINES (LVL 18)
- PARCEL LINES (LVL 15)
- DEED\* DEED NUMBERS (LVL 25)
- PCL\* PARCEL NUMBER (LVL 25)
- FORMER R/W LINES (LVL 15)
- AREA SOLD (LVL 62)
- EASEMENTS (LVL 18)
- LEASE LINES (LVL 20)
- BASE & MERIDIAN (LVL 19)
- PARRISH & TOWNSHIP (LVL 19)
- SECTION (LVL 19)
- QTY LIMITS (LVL 19)
- BLOCK LINES (LVL 19)
- LOT LINES (LVL 19)
- ROAD CENTERLINES (LVL 30)
- NON-RY PARCELS (LVL 19)
- CULVERT (LVL 34)
- PREDECESSOR RAILROAD (LVL 58)
- STATE (LVL 58)
- VALUATION SECTION (LVL 58)
- VALUATION MAP (LVL 58)

## HAZ. UTILITIES

- LVL 42- RY. CO. OWNED
- LVL 43- IND. CO. OWNED
- FUEL LINE
- GAS LINE
- OIL LINES
- TOX. CHEM. TOXIC CHEMICAL LINES
- TOX. GAS TOXIC GAS LINES
- GAS METER
- GAS VALVE
- HAZ MTL VALVES
- HAZ MTL SUPPORT CLMN

## NON-HAZ. UTILITIES

- LVL 38- RY. CO. OWNED
- LVL 39- IND. CO. OWNED
- AIR LINES
- CABLE TV LINES
- ELECTRIC LINES
- HIGH VOLTAGE ELEC. LINES
- SEWER LINES
- STEAM LINES
- STORM LINES
- TELEPHONE LINES
- WATER LINES
- CATCH BASIN
- FIRE HYDRANT
- SEWER MANHOLE
- SUPPORT COLUMNS
- WATER METER
- WATER VALVE
- FIBER OPTIC LINES (LVL 40)

NOTE: ALL CORPORATE/CAD MAP REAL ESTATE INFORMATION MAINTENANCE ENDED 10/13/2016. FOR ALL CHANGES IN REAL ESTATE INFORMATION SEE THE REAL ESTATE GIS APPLICATION

## RIGHT OF WAY & TRACK MAP THE COLORADO & SOUTHERN RAILWAY CO. OPERATED BY THE COLORADO & SOUTHERN RAILWAY CO. LEADVILLE DISTRICT

FROM STA 305 + 06.0 TO STA 401 + 00.0  
SCALE 1" = 200 FT JUNE 30, 1919  
OFFICE OF VALUATION ENGINEER  
DENVER, COLORADO

V Colo 18  
10

C&S RY  
CO-18  
10

R/W ABANDONED  
DATED 1937

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## BNSF RAILWAY Right of Way and Track Map Line Segment M.P. 105 to M.P. 106 Formerly C&S RY

Sheet 10 of 38 sheets of Valuation Section Colorado 18 of  
The Colorado and Southern Railway Company from survey  
station 305 + 06.0 to survey station 401 + 00.0

*N.W. Hess*  
Valuation Engineer

R/W ABANDONED  
DATED 1937

Chief Engineer's Office Sheet 1 of 1 C.E. R80300

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Revised: 1/10/2002